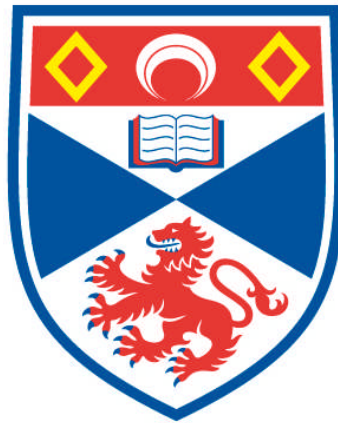


**FOREIGN POLICY OF THE EUROPEAN UNION TOWARDS
THE SOUTH CAUCASUS IN 1992-2014**

Nino Kereselidze

**A Thesis Submitted for the Degree of PhD
at the
University of St Andrews**



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**Foreign Policy of the European Union towards the
South Caucasus in 1992-2014**

Nino Kereselidze



University of
St Andrews

**The thesis is submitted in partial fulfilment of the degree of PhD at the
University of St Andrews**

School of International Relations

**7 May 2015
Scotland, United Kingdom**

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*To all those who have supported this work
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Abstract

This assessment of European Union foreign policy towards the South Caucasus shows that while the EU has developed a coherent transport policy since 1992, paradoxically, it has had no corresponding coherent conflict resolution policy for this region. The fact that the EU deepened transport cooperation without a mediation policy in an area with a multiplicity of protracted conflicts is a puzzle. Although the EU eventually added mediation to its policy during the Russia-Georgia armed conflict in 2008, it was unable to facilitate a political solution.

The research examines what has been the nature of EU foreign policy towards the South Caucasus. The dissertation argues that incoherence in conflict resolution policy has been consequent upon two causal factors: (i) preferences of the EU member states conditioned by their historical experience with Russia, and (ii) institutional framework of the Common Foreign and Security Policy (CFSP). By contrast, with functional approach, the three dominant factors that have enabled coherence in transport cooperation are (i) legislative alignment, (ii) common transport area, including technical assistance for transit development, and (iii) restrictive measures. Examination of these two areas of EU foreign policy, shows a discrepancy, demonstrating its inconsistent nature.

The theoretical framework of realism and liberal intergovernmentalism, is applied to empirically grounded EU foreign policy analysis. Adopting a case study methodology, this work examines the EU's policy towards Armenia and Azerbaijan, with special focus on Georgia between 1992-2014. The research combines social science methods of literature review, document analysis and expert interviews.

Keywords: EU, CFSP, ENP, EaP, transport policy, legislative alignment, conflict resolution, the South Caucasus, Russia.

Figures

Figure 1

EU Neighbourhood Countries



- European Union
- Partners under European Neighbourhood Policy
- EU-Russia Strategic Partnership
- Capitals

Source: ENP. EU Cooperation with Its Neighbours. EEAS. 2014.

Figure 2

The Caucasus Region



Source: The Office of the Geographer and Global Issues. US Department of State. 1994.

Abbreviations

AA	Association Agreement
ABL	Administrative Boundary Line
ADA	Azerbaijan Diplomatic Academy
ADB	Asian Development Bank
ALDE	Alliance of Liberals and Democrats for Europe
APPG	All-Party Parliamentary Group
A/R	Autonomous Republic
ASA	Allmennaksjeselskap – Public limited company
ASCN	Academic Swiss Caucasus Net
ASSR	Autonomous Soviet Socialist Republic
B.C.	Before Christ
BASF	Badische Anilin- & Soda-Fabrik
BBC	British Broadcasting Corporation
bcm	billion cubic metres
BMM	Border Monitoring Mission
BP	British Petroleum
BRICS	Brazil, Russia, India, China, and South Africa
BSEC	Organization of the Black Sea Economic Cooperation
BSF	Black Sea Fleet
BSF	Black Sea Forum for Partnership and Dialogue
BSS	Black Sea Synergy
BST	Border Support Team
BTC	Baku-Tbilisi-Ceyhan pipeline
BTE	Baku-Tbilisi-Erzurum pipeline
BTK	Baku-Tbilisi-Kars railroad line
CACI	Central Asia Caucasus Institute
CAP	Center for Applied Policy Research
CAPOD	Centre for Academic, Professional and Organisational Development
CAREC	Central Asia Regional Economic Cooperation
CDU	Christian Democratic Union
CEE	Central and Eastern Europe
CEEC	Central and Eastern European Countries
CEPS	Centre for European Policy Studies
CER	Centre for European Reform
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CEU	Central European University
CFE	Conventional Arms Forces in Europe Treaty
CFSP	Common Foreign and Security Policy
CI	Caucasus Institute
CIA	Central Intelligence Agency
CIS	Commonwealth of Independent States
CMI	Crisis Management Initiative
CoC	Certificate of Competency
CoE	Council of Europe
CONOPS	Concept of Operations
COSS	Committee on Safe Seas and the Prevention of Pollution from Ships
CPCS	Centre for Peace and Conflict Studies
CPE	Civilian Power Europe
CR	Conciliation Resources
CRSCEES	Centre for Russian, Soviet and Central and Eastern European Studies
CRT	Crisis Response Team
CSCE	Conference on Security and Cooperation in Europe

CSDP	Common Security and Defence Policy
CSTO	Collective Security Treaty Organization
CTP	Common Transport Policy
DCFTA	Deep and Comprehensive Free Trade Agreement
DCI	Development Cooperation Instrument
DFID	Department of International Development
DG	Directorate-General (of the European Commission)
DG MOVE	Directorate-General for Mobility and Transport
DG RELEX	Directorate General for External Relations
DRC	Danish Refugee Council
DRC	Democratic Republic of the Congo
DVD	Digital Video Disk
EAEC	Eurasian Economic Community
EaP	Eastern Partnership
EASA	European Aviation Safety Agency
EAU	Eurasian Economic Union
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECAA	European Common Aviation Area
ECAC	European Civil Aviation Conference
ECDC	European Centre for Disease Prevention and Control
ECHO	European Community Humanitarian Aid Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECFR	European Council on Foreign Relations
ECJ	European Court of Justice
ECU	Eurasian Customs Union
EDRC	Economic Development and Research Center
EEAS	European External Action Service
EEC	Eurasian Economic Community
EES	Edinaiya energeticheskaiya sistema – Unified Energy System
EIB	European Investment Bank
EMSA	European Maritime Safety Agency
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EP	European Parliament
ERA	European Railway Agency
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU AMIS	European Union support to African Union Mission in Sudan
EU AMM	European Union Monitoring Mission in Aceh
EU Artemis	European Union Military Operation in the Democratic Republic of Congo
EU NAVFOR Atalanta	European Union Naval Force Somalia
EU SSR	European Union Security Sector Reform Mission in Guinea-Bissau
EU	European Union
EUAVSEC	European Union Aviation Security Mission
EUBAM	European Union Border Assistance Mission
EUCAP Nestor	European Union Capacity Building for the Horn of Africa and the Western Indian Ocean
EUCAP Sahel Niger	European Union Capacity Building Mission in Niger
EUFOR Althea	European Union Force in Bosnia and Herzegovina
EUFOR Concordia	European Union Force in the former Yugoslav Republic of Macedonia
EUFOR Libya	European Union in Libya
EUFOR RD Congo	European Union Force in the Democratic Republic of Congo
EUFOR Tchad/RCA	European Union Military Operation in Chad and the Central African Republic
EUFP	European Union Foreign Policy
EUISS	European Union Institute for Security Studies

EUJUST LEX EU	European Union Rule of Law Mission for Iraq
EUJUST Themis	European Union Rule of Law Mission to Georgia
EULEX	European Union Rule of Law Mission in Kosovo
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission in Georgia
EUMS	European Union Military Staff
EUPAT	European Union Police Advisory Team in the former Yugoslav Republic of Macedonia
EUPM BiH	European Union Police Mission in Bosnia and Herzegovina
EUPOL Afghanistan	European Union Police Mission to Afghanistan
EUPOL COPPS	European Union Police Mission Coordinating Office for Palestinian Police Support
EUPOL Kinshasa	European Union Police Mission in Kinshasa (DRC)
EUPOL Proxima	European Union Police Mission in the former Yugoslav Republic of Macedonia
EUPOL RD Congo	European Union Congo Police Mission
EUR	Euro
EUROCLIO	European Association of History Educators
EUROMED	Euro-Mediterranean Partnership
EUSA	European Union Studies Association
EUSEC DR Congo	European Union Security Sector Reform Mission in Democratic Republic of Congo
EUSR	European Union Special Representative
EUTM	European Union Training Mission in Mali
FCO	Foreign and Commonwealth Office
FDI	Foreign Direct Investment
FMSR	Federal Migration Service of the Russian Federation
FOSG	Friends of the Secretary-General on Georgia
FPA	Foreign Policy Analysis
FPC	Foreign Policy Centre
GAHE/IMSA	Georgian Association of History Educators
GDP	Gross Domestic Product
GDR	German Democratic Republic
GEL	Georgian lari
GID	Geneva International Discussions
GTEP	Georgian Train and Equip Program
GUAM	Georgia-Ukraine-Azerbaijan-Moldova – Organization for Democracy and Economic Development
GUEU	Georgia-Ukraine-European Union
G7	Group of Seven
HCSS	Hague Centre for Strategic Studies
HES	Gidroelektrostantsiya – Hydroelectric Power Station
HIV/AIDS	Human immunodeficiency virus infection / acquired immune deficiency syndrome
HR	High Representative
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission
HRW	Human Rights Watch
IA	International Alert
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICCN	International Centre on Conflict and Negotiation
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
ICJ	International Court of Justice
ICR	Institute for Conflict Research
ICRC	International Committee of the Red Cross/Red Crescent
IDP	Internally Displaced Person
i.e.	id est, that is

IFIs	International Financial Institutions
IfS	Instrument for Stability
IIFMCG	Independent International Fact-Finding Mission on the Conflict in Georgia
IISS	International Institute for Strategic Studies
IMF	International Monetary Fund
IMO	International Maritime Organization
INCORE	International Conflict Research Institute
INGO	International Non-governmental Organization
INOGATE	Interstate Oil and Gas Transport to Europe
IOPC	International Oil Pollution Compensation Funds
IPAP	Individual Partnership Action Plan
IPIECA	International Petroleum Industry Environmental Conservation Association
IPRM	Incident Prevention and Response Mechanism
IR	International Relations
IRU	International Road Transport Union
ISAF	International Security Assistance Force
ITF	International Transport Forum
ITOPF	International Tankers Owners Pollution Federation
JCC	Joint Control Commission
JICA	Japanese International Cooperation Agency
JPKF	Joint Peacekeeping Forces
JSC	Joint-Stock Company
KFOR	Kosovo Peacekeeping Force
km	kilometre
LI	Liberal intergovernmentalism
LNG	Liquefied Natural Gas
LOGMOS	Logistics Processes and Motorways of the Sea
LSE	London School of Economics and Political Science
Ltd.	Limited company
MAP	Membership Action Plan
MATRA	Maatschappelijke Transformatie – Matra Social Transformation programme
MECACs	Institute of Middle East, Central Asia and Caucasus Studies
MENA	Middle East and Northern Africa
MEP	Member of the European Parliament
MESD	Ministry of Economy and Sustainable Development of Georgia
MFA	Ministry of Foreign Affairs of Georgia
MID	Ministerstvo Inostrannikh Del Rossiiskoi Federatsii
MIDPOT	Ministry of Internally Displaced Persons from the Occupied Territories
MLA	Basic Multilateral Agreement on International Transport
MoA	Memorandum of Understanding
MoD	Ministry of Defence
MONUC	Mission de l'Organisation des Nations Unies en République démocratique du Congo
MP	Member of Parliament
MSF	Médecins Sans Frontières
NACC	North Atlantic Cooperation Council
NATO	North Atlantic Treaty Organization
NATO PA	NATO Parliamentary Assembly
NC	National Company
ND	Northern Dimension policy
NEGP	North European Gas Pipeline Company
NGC	NATO-Georgia Commission
NGO	Non-governmental Organization
NIOC	National Iranian Oil Company
NKAO	Nagorno-Karabakh Autonomous Oblast
NRC	Norwegian Refugee Council
NKR	Nagorno Karabakh Republic
NPE	Normative Power Europe

NPP	Nuclear Power Plant
NUC	NATO-Ukraine Commission
NV	Naamloze vennootschap – Public company
OAO	Otkritoe aktsionernoe obshchestvo – Open Joint Stock company
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OPEC	Organization of Petroleum Exporting Countries
OSCE	Organization for Security and Co-operation in Europe
OSF GSGP	Open Society Foundations Global Supplementary Grant Program
OSPRI	Oil Spill Preparedness Regional Initiative
OTP	Office of the Prosecutor
PACE	Parliamentary Assembly of the Council of Europe
Paris MoU	Paris Memorandum of Understanding on Port State Control
PCA	Partnership and Cooperation Agreement
PCC	Parliamentary Cooperation Committee
PfP	Partnership for Peace
PIR	Tsentralizirovannyye issledovaniya Rossi
PKF	Peacekeeping Force
Plc.	Public limited company
PSC	Political and Security Committee
PS IGC	Permanent Secretariat of the Intergovernmental Commission
RA	Republic of Armenia
RAND	Research and Development Corporation
RAO	Rossiiskoe Aktsionernoe Obshchestvo – Russian Joint Stock company
RIA	Rossiiskoe Informatsionnoye Aгенstvo
RISI	Rossiiskiy Institut Strategicheskikh Issledovaniy
PMR	Pridnestrovian Moldavian Republic
RRM	Rapid Response Mechanism
RSDLP	Russian Social Democratic Labour Party
RSFSR	Russian Soviet Federative Socialist Republic
RUSI	Royal United Service Institute
R2P	Responsibility to Protect
SA	Société anonyme – Anonymous company
SAM	Center for Strategic Studies
SASEPOL	Common Security Management, Maritime Safety and Ship Pollution Prevention
SC	South Caucasus
SCO	Shanghai Cooperation Organisation
SG/HR	Secretary-General/High Representative
SIGMA	Support for Improvement in Governance and Management
SMR	State Ministry for Reconciliation and Civic Equality of Georgia
SNID	Status Neutral Identification Card
SNTD	Status Neutral Travel Document
SOAR	Autonomous Region of South Ossetia
SOCAR	State Oil Company of Azerbaijan
SMSG	Special Representative of the Secretary General
SSR	Soviet Socialist Republic
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
TACIS	Technical Assistance to the Commonwealth of Independent States
TAIEX	Technical Assistance and Information Exchange
TANAP	Trans-Anatolian gas pipeline
TAT	Tbilisi Administered Territory
TCS	Treaty on Collective Security
TEN-T	Trans European Network – Transport
TER-TAR	Trans-European and Trans-Asian railway
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

TL	Treaty of Lisbon
TPAO	Türkiye Petrolleri Anonim Ortaklığı
TRACECA	Transport Corridor Europe-Caucasus-Asia
TSFSR	Transcaucasian Soviet Federative Socialist Republic
UAV	Unmanned Aerial Vehicle
UDHR	Universal Declaration of Human Rights
UfM	Union for Mediterranean
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNM	United National Movement
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOMIG	United Nations Observer Mission in Georgia
UNSC	United Nations Security Council
UNSR	United Nations Special Representative
UNV	United Nations Volunteers
UNPO	Unrepresented Nations and Peoples Organization
US/USA	United States of America
USD	US dollar
USSR	Union of Soviet Socialist Republics
UTREC/SEC	University Teaching and Research Ethics Committee/School Ethics Committee
v	versus
VU	Vrije Universiteit Amsterdam
V4	Visegrád Group
WB	World Bank
WEU	Western European Union
WG	Working Group
WTO	World Trade Organization

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Chapter 1. Introduction

This scholarly assessment of European Union (EU) foreign policy towards the South Caucasus demonstrates that while the EU has developed a coherent policy in a sectoral area of transport since 1992, paradoxically it has had no coherent corresponding conflict resolution policy for this region. The fact that the EU deepened cooperation in its transport policy without a conflict resolution policy in an area with a multiplicity of protracted conflicts is a puzzle. Although the EU eventually added conflict mediation, as a form of conflict resolution dimension to its foreign policy during the armed conflict between Georgia and the Russian Federation in 2008, member states of the EU found it hard to facilitate a political solution during the Geneva Process, as was the intent of the common foreign policy.

1.1. Research Question

This dissertation examines what has been the nature of EU foreign policy towards the South Caucasus. It argues that incoherence in conflict resolution policy has been consequent upon two causal factors: (i) preferences of the EU member states conditioned by their historical experience with Russia, and (ii) institutional framework of the Common Foreign and Security Policy (CFSP). This thesis further argues that in contrast to its lack of progress in mediation, the EU has been coherent in facilitating a high level of cooperation in transport in the South Caucasus. Examining the grounds for a coherent transport policy, the thesis found three dominant factors that have allowed for such coherence: (i) legislative alignment in transport, (ii) creating a common transport area, including technical assistance for transit development, and (iii) restrictive measures in maritime transport policy. The foreign policy instrument of restrictions and rewards that the EU used in the transport area encouraged institutional reforms in the neighbourhood countries. Transport provides a common ground for interaction between the EU and its neighbours. The main task is to show that an analysis of a Common Transport Policy (CTP) conducted externally towards the South Caucasus has been largely neglected. Examination of these two areas of EU policy demonstrates the inconsistent nature of EU foreign policy. Being the first of its kind of evaluation of these two aspects is significant, not just because it is a novel way of conceptualising the EU's external actions, but also because it marks a functional aspect of EU policy implementation.

1.2. Discussion and Hypothesis

This thesis is grounded on academic and policy debate about the EU's eastern neighbourhood foreign policy.¹ The EU seeks to facilitate stability in its neighbourhood, which visibly translates into political, economic, and social cooperation. However, the EU's increasing involvement does not mean corresponding coherence in conflict resolution in this region. The EU has exercised a reactive instead of a reflective response to conflict resolution towards this region since 1992. Following the conflict between Russia and Georgia, which is regarded as the most significant recent crisis in European security on its eastern borders and a defining moment in the EU's relations with the region, the EU was undecided whether, and how, to intervene. Since the launch of the CFSP, even though the EU has declared a common policy reflected in its joint actions, EU member states have not had concerted positions about their eastern neighbours. As scholars have often pointed out, the EU member states are frequently disunited about their external policy, and their shared foreign policy competencies are not meant to be common, the problem that lies in the institutional framework of CFSP. Literature about coherence of EU's foreign policy regarding transport towards the South Caucasus remains scarce, a gap which this thesis intends to fill. The thesis further questions the notion of the common foreign policy, that presupposes the EU as a unitary actor on the international stage and sheds clarity on the conventional understanding about this policy. The question about EU policy in the South Caucasus is thus embedded in a wider research problem about the existence of the EU's common foreign policy across sectors.

Foreign policy of the EU in the South Caucasus requires a scientific explanation to establish knowledge about EU's common neighbourhood by deriving general principles of the EU's involvement. Observing that no in-depth analysis has to date been conducted on patterns of policy consistency in its eastern neighbourhood, this thesis seeks to contribute to the construction of a more nuanced understanding of the key determinants of the EU's policy. This is achieved by tracing the EU's policies in mediation and transport and judging against their output. An assessment of the effects of the EU regional transport cooperation in Georgia and more generally in the South Caucasus helps to understand what the EU can accomplish in mediation when it is committed to policy cooperation along its eastern borders. The research and analysis has particular time relevance as the EU advances into its new phase of the common foreign policy with the implementation of the

¹ Approach of the EU in the South Caucasus was examined in a preceding work of the author, see: Nino Kereselidze, "International Engagement in Georgia: The Abkhazian and South Ossetian Conflicts," MA Thesis (Budapest: Central European University, 2008). The realist and liberal intergovernmentalist theoretical framework of explanation, and the EUFP concept also builds on the earlier work of the author, see: Nino Kereselidze, "The New Great Game: The Engagement of the European Union in the Russian – Georgian War," MSc Thesis (The Netherlands: Vrije University Amsterdam, 2009).

Treaty of Lisbon signed in 2009. Comparability identified between these two policies is a useful guide for EU policy formation in other policy areas in the South Caucasus. Establishing this knowledge has fundamental implications for EU policy implementation in other sectors and can also inform other parts of its neighbourhood in the international arena. This thesis engages on a theoretical level, but it also has relevance for the policy sphere.

EU policy in the South Caucasus has become an increasingly relevant aspect of both academic and policy debate. The crisis in Georgia was indicative of the EU's inability as an international conflict manager to prevent an escalating conflict in its immediate neighbourhood.² This limitation presents itself as an experience for European foreign policy makers to develop a more advanced common policy to prevent conflicts that can pose a challenge to Europe's security. With this experience in mind, EU external policy retains importance for political, economic, and social stability in the EU's neighbourhood. This thesis engages with two thematic audiences interested in the topic of the EU: those dealing with conflict resolution, and those engaged in external relations in transport. The target audience can be regarded as academic communities, policymaking structures, and institutional authorities, primarily in, but not limited to, the EU, as well as in Georgia, the Republic of Armenia, and the Republic of Azerbaijan. Findings of the thesis can serve as scholarly reference material for policy makers in their policy thinking and practice. Robust engagement from the EU in sectoral areas is essential for the South Caucasus. This also requires international cooperation among the EU, Russia, and the United States of America (US). Being directed to a mixed audience, the academic merit of this thesis is to learn from the various aspects of EU policy.

Against an extensive body of literature on EU conflict resolution, the thesis suggests a distinctive imprint showing that the EU maintains coherence in its transport policy towards the South Caucasus, whilst conflict resolution reveals significant limitations. Observing the progress of EU policy from 1992 to 2014 enables key instances of the EU's involvement to be captured and the nature of its policy to be explained. The research adds to existing knowledge of EU policy on transport as applied to the South Caucasus by distinguishing between various degrees of consistency across policy formation and implementation. EU policy towards this region can be divided into three phases: 1) since the EU was founded with the Maastricht Treaty in 1992 up until 2004 when the EU began to take an interest in the strategic economic geographic location and transit potential of the South Caucasus but was hesitant about conflict resolution; 2) the period from 2004 to 2008, which is distinguished by an increasing institutional involvement of the EU in

² Richard Whitman and Stefan Wolff, (eds.) *The European Union as a Global Conflict Manager* (London: Routledge, 2012).

establishing the neighbourhood policy and sending its representation to the South Caucasus; 3) between 2008-2014, when the EU emerged as a mediator in conflict and concluded the Association Agreement (AA) with Georgia that evidences the EU's commitment to engage in sectoral areas. Hence this research examines EU foreign policy towards the South Caucasus from 1992 and ends with the signing of the AA in 2014.

1.3. Theoretical Premise

In the absence of a plausible general theory that would explain foreign policy of an entity that is not a state, the thesis applies a realist and liberal intergovernmentalist theoretical framework to an empirically grounded EU foreign policy analysis. As an original contribution to the study of International Relations (IR), the thesis contends that EU common policy is limited because differences among the member states prevails, as is correctly explained by the mainstream theories of IR realism and liberal intergovernmentalism (LI). From the narrow focus on two aspects of the EU's foreign policy regarding conflict resolution and transport, the thesis is opened up to a theoretical debate over the European Union Foreign Policy (EUF). Thus, the introductory chapter of this thesis outlines definitions of the EUFP developed by Christopher Hill, Richard Whitman, Lisbeth Aggestam, Roberto Domínguez, Dieter Grimm, Jan Zielonka, Knud Jørgensen, Brian White, Holger Stritzel, Roy H. Ginsberg, and Karen E. Smith, which demonstrate the evolution of foreign policy.³ This evolution requires an inclusive explanation of the form of power Europe is combining, normative, soft, civilian, and military power EU.

After defining the EUFP, the first part of the theoretical chapter examines institutional framework of the CFSP drawing on functionalist approach by David Mitrany.⁴ The same part analyses liberal constructivist and normative underpinnings of EU foreign policy advanced by Alexander Wendt, Emanuel Adler, Ted Hopf, Martha Finnemore and Kathryn Sikkink, Ian Manners, Florent Parmentier, Sonia Lucarelli, Thomas Diez, Stefan Gänzle, and Roberto Aliboni.⁵ A liberal approach suggests that the very existence of the EU's common policy implies that the EU acts as a unitary actor in global politics. Shared norms foster intergovernmental solidarity that is visibly translated

³ Christopher Hill, *The Changing Politics of Foreign Policy* (New York: Palgrave, 2003); Roy H. Ginsberg, *The European Union in International Politics: Baptism by Fire* (Lanham: Rowman, 2001).

⁴ David Mitrany, "The Prospect of European Integration: Federal or Functional," *Journal of Common Market Studies* 4 (1965): 119-49.

⁵ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999); Ian Manners, "Normative Power Europe Reconsidered: Beyond the Crossroads," *Journal of European Public Policy* 13 (2006): 182-99; Emanuel Adler, "Seizing the Middle Ground: Constructivism in World Politics," *European Journal of International Relations* 3 (1997): 319-63.

into the context of the neighbourhood. It also briefly analyses normative, soft, civilian, and military power Europe developed by François Duchêne, Hedley Bull, Joseph S. Nye, Mario Telò, Michael Merlingen, Michael E. Smith, Wolfgang Wagner, Giovanna Bono, Hazel Smith, and Hanns Maull. As a civilian power, the EU adopts the identity of a peacemaker and uses non-military instruments to achieve its external goals. By becoming an international actor, the EU can be positioned between civilian and military power. While those approaches provide useful ways of categorising the EU, they do not explain its function in sectoral areas in its neighbourhood that the next part discusses.

That the EU as an institution conducts common policy is contested by the realist premises suggested by Barry Posen, Adrian Hyde-Price, John J. Mearsheimer, Jeffrey W. Taliaferro, Steven E. Lobell, Norrin M. Ripsman, and by Andrew Moravcsik's liberal intergovernmentalist perspectives. The realist and liberal intergovernmentalist framework used by this thesis argues, that even though the EU has the normative basis, states have differing political and economic interests and preferences, following their different perceptions of systemic pressures, that shape EU foreign policy.⁶ Transposing the liberal intergovernmental perspectives into the context of the neighbourhood, preferences of the states condition the EU's coherent conflict resolution policy.

1.4. Methodology

The thesis uses social science theories with philosophical and historical approaches to the discipline of IR. In doing so, the research follows ontological, epistemological and methodological approaches to find an academic explanation for the EU's foreign policy. To distinguish between the methodology and methods used in this thesis, methodology refers to the procedure of scientific enquiry, and methods are techniques of collecting and analysing data.⁷ Acknowledging that there is no philosophical consensus about the definition of social sciences and production of knowledge, the thesis complies with the philosophical criteria of testability, falsifiability and refutability to the subject of enquiry. Scientific propositions in this thesis can be tested through the falsification method suggested by Karl Popper, which proposes that the rule of falsification is inherently built

⁶ Barry Posen, "European Union Security and Defense Policy: Response to Unipolarity?" *Security Studies* 15 (2006): 149-86; Adrian Hyde-Price, "'Normative' Power Europe: A Realist Critique," *Journal of European Public Policy* 13 (2006): 217-34; John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001); Steven E. Lobell, Norrin M. Ripsman and Jeffrey W. Taliaferro, (eds.) *Neoclassical Realism, The State and Foreign Policy* (Cambridge: Cambridge University Press, 2009); Jeffrey W. Taliaferro, "Security Seeking Under Anarchy: Defensive Realism Revisited," *International Security* 25 (2000): 128-61; Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," *Journal of Common Market Studies* 34 (1993): 473-524.

⁷ Patrick Jackson, *The Conduct of Inquiry in International Relations* (London: Routledge, 2011), 25.

into the social sciences, therefore, an inference cannot be certain.⁸ Empirical observations are constantly verified and a proposition in this thesis holds true unless it is refuted by a new observation. To address the limits to the epistemic certainty, following the line of thought of Imre Lakatos, the thesis focuses on a series of statements instead of an individual statement.⁹ As Thomas Kuhn asserts, the importance of existing theory is to lay the foundations for defining a puzzle in a research problem.¹⁰ This thesis explores the puzzle within the dynamics of EU engagement in the South Caucasus over historical instance. With an empirical methodological approach the thesis aims to understand EU foreign policy in a sectoral area and to this end uses a realist and liberal intergovernmentalist theoretical framework of analysis.

The method of enquiry used in this thesis describes and explains the EU's foreign policy and its output based on scientific inference. The research mainly takes an explanatory approach since the question deals with contemporary events that have historical connections and so need to be traced and explained over time. It is much in line with the Weberian account of science:

We want to understand ... the coherence and cultural significance of individual occurrences in their contemporary configuration, and on the other hand, the reasons for those occurrences being historically so and not otherwise.¹¹

Social science logic postulates that the truth about a phenomenon is virtually impossible to ascertain. However, considering that social facts exist independently of human observation, these facts make it possible to establish knowledge of the external world. Certainty of such knowledge is unattainable. However, reliability and validity of conclusions can be improved by resorting to the rules of scientific inference in methodologically sound qualitative research.¹² Once descriptive inferences from the observed data are made with a reasonable estimate of uncertainty, description of the real world can be attained; and to make valid descriptive and causal inferences, the inherent logic underlying the research can be followed self-consciously.¹³ In addition, perception also opens the way for matters that exist independently from the social world.¹⁴ In light of this, whilst the researcher is aware of the impossibility to establish facts and interpret them objectively, after collecting social facts, i.e. empirical practices of the EU such as its directives, statements and other

⁸ Karl Popper, *Conjectures and Refutations* (London: Routledge, 1963).

⁹ Imre Lakatos, "History of Science and Its Rational Reconstructions," *Proceedings of the Biennial Meeting of the Philosophy of Science Association* (1970): 91-136.

¹⁰ Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962).

¹¹ Max Weber, *Gesammelte Aufsätze zur Wissenschaftslehre* (Tübingen: Mohr Verlag, 1922), 542.

¹² Garry King, Robert Keohane and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994).

¹³ King et al., *Designing Social Inquiry*, 229-30.

¹⁴ Roy Bhaskar, *A Realist Theory of Science* (Bristol: Western Printing Services, 1975).

factual data, systematic inferences with interactive relationship between description and explanation are made.¹⁵ Social facts show causal explanations for EU foreign policy.

In the course of the research, three methodological steps are used to determine the quality of the research. First, for constructing validity, the need for knowledge about the EU's foreign policy regarding transport is identified.¹⁶ Second, evidence is collected and authenticity of data is verified. For the research to be methodologically rigorous, three major methods of literature review, document analysis and interviews are selected. After the heuristic process of data gathering, reliability and replicability of data collection methods are ensured.¹⁷ For internal validity, causal relationship is established, and for external validity, areas of generalisation are defined. Although external validity is difficult to establish in a single-case study, it is achieved by generalisations from theoretical relationships.¹⁸ Furthermore, the research uses analytics of narrative in which descriptions of events are configured in a story line.¹⁹ Single events have implications about the continued existence of certain developments in a region at large.²⁰ After process tracing and investigating a single phenomenon, the research abstracts key features of social reality and lays out the ground for implications about EU foreign policy. Predictions about phenomena are made examining social facts in real life. The research thus aims to produce self-referential knowledge for propositions to bring about change.²¹ The thesis tries to understand the behaviour of the EU in the past to gain knowledge of its prospects.

1.4.1. Methods

The thesis uses qualitative methods of data collection and analysis from the social sciences to assess the EU's foreign policy engagement in its eastern neighbourhood. Such methods are best suited to the social enquiry about EU foreign policy because such an approach helps with the understanding of the context and the logical structure of this social and political phenomenon. These methods predominantly include academic literature review, policy literature review, document analysis, expert interviews, as well as some elements from observational evidence. The thesis restricts itself to treating the research subject qualitatively in order to gain insights into the substance of the process, and the intensity and logic of EU policy making.

¹⁵ Judith Goldstein and Robert Keohane, (eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (US: Cornell University Press, 1993).

¹⁶ Robert Yin, *Case Study Research: Design and Methods* (Los Angeles: Sage, 2014).

¹⁷ King et al., *Designing Social Inquiry*, 46.

¹⁸ Yin, *Case Study Research: Design and Methods*.

¹⁹ John Creswell, *Quantitative Inquiry and Research Design: Choosing Among Five Approaches* (London: Sage, 2007), 54.

²⁰ John Gerring, *Social Science Methodology: A Unified Framework* (Cambridge: Cambridge University Press, 2012).

²¹ Patrick Baert, *Philosophy of Social Sciences* (Cambridge: Polity Press, 2005), 169.

The research relies on multiple sources of evidence. Secondary sources of social science works include voluminous scholarly books, articles and papers. Systemic research in specialist books, textbooks, and peer-reviewed periodicals identified a scarcity of literature on EU external policy in the sectoral area of transport, let alone it being applied to the South Caucasus. Policy-related literature encompasses contemporary policy documents, such as studies, policy papers, and handbooks. This also includes a review of the print and digital media, including newspapers and records. As primary sources, document analysis draws on the study of primary material of legal and working documents, notably: treaties, constitutions, agreements, memoranda of understanding, mandates, statements, reports, action plans, and press releases. The thesis studies sources of EU law, which is mainly comprised of the primary (treaties) and secondary (regulations, directives, decisions, and recommendations) legislation, with the aim to compare EU legislation with policy making in practice. Content analysis is used to make inferences from the documents.²² Discourse analysis is employed to understand political discourse evolving around EU policy towards the South Caucasus. For this purpose, declaratory statements by the EU institutions are analysed to show how the policy is achieved on a discursive level. As subchapters 2.1 and 4.1 show, to retain the eastern neighbourhood within its realm of control, despite the legislative alignment demonstrated in the area of transport, the EU nevertheless keeps boundaries with its “partners.”

An empirical case study of the Russia-Georgia conflict offers the meaning behind generally observable patterns in EU policy. For this purpose, primary material for discourse analysis is identified in the documents of the EU institutions (European Commission, Council of the European Union, European Parliament), and the documents from the executive and legislative offices in some EU member states (Parliament of the United Kingdom of Great Britain and Northern Ireland, Office of the President of the French Republic, Parliament of the Federal Republic of Germany, Ministry of Foreign Affairs of the Kingdom of the Netherlands, Parliament of the Italian Republic). Relevant documents are also availed at other governmental executive and legislative offices (Administration of the President of Georgia, Parliament of Georgia, Ministry of Foreign Affairs of Georgia, Ministry of Economy and Sustainable Development of Georgia, Administration of the President of the Russian Federation, Ministry of Foreign Affairs of the Russian Federation (MID), United States of America Department of State), and intergovernmental offices (United Nations (UN), Organization for Security and Co-operation in Europe (OSCE), Council of Europe (CoE), North Atlantic Treaty Organization (NATO)).

²² Judith Bell, *Doing Your Research Project: A Guide for First-Time Researchers in Education and Social Science* (London: Open University Press, 2005).

The research mobilises open sources that can be cross-referenced, but given the scarce material available on EU foreign policy towards the South Caucasus, a third method of semi-structured in-depth expert interviews is a focal method of data collection. Knowledge of experts directly involved in discussions both at the European and at the neighbourhood levels, is a targeted source of information related to the topic of EU policy in relation to the South Caucasus. Since research is about EU foreign policy, the focus of the interviews is towards the experts from the EU policy making community. For comparative expert analysis, similar questions were posed to the experts from the policy making circles in the South Caucasus. Findings from the interviews suggest a more varied impression than does the present literature on the EU, and include explanations and causal inferences about EU policy. The scarcity of academic literature on the EU's engagement in the South Caucasus and restricted access to primary material, such as records of the debates and other confidential data, make interviews an even more telling source.

Substantial fieldwork has been undertaken for this dissertation. The primary dimension of this work includes 66 out of a total of 75 semi-structured interviews with policy makers, experts and stakeholders from over 50 governmental, international and non-governmental institutions, research centres, and industries conducted in different locations: Brussels, the Hague, London, Belfast/Derry, Budapest, Riga, Baku, Yerevan/Sevan, and Tbilisi/Batumi between 2008 and 2014. The research draws heavily on overseas fieldwork in the South Caucasus capitals of Georgia, Azerbaijan, and Armenia in 2014. Interviews have been conducted through various means, including face-to-face, by telephone, online and from public lectures. The researcher's positionality during data collection also differed. Informants were asked specific questions from the same theme, but the semi-structured interview format allowed open answers. Transcribed and decoded data were analysed and compared over an extended period of time. Preliminary data gathering raised the need for altering the research question and hypothesis, and modifying the theory.

The final means of gaining information, that is not regarded as a method but contains elements of data collection, is participatory research in the form of direct observation on the ground during the author's work placements in both EU and South Caucasus countries. This integrates findings from the author's working at a government ministry dealing with the harmonisation of national economic policies with the European standards in a South Caucasus country of Georgia; at an intergovernmental agency encouraging the national governments to adhere to international and European standards; and at the international non-governmental organisations (INGOs) supported by the EU working on matters related to the South Caucasus. Observation of daily work in a wide range of offices covered empirical events in real time. It is acknowledged that because this

observation was contextual of a particular policy aspect, reality gained during observation cannot constitute the full picture. However, observational evidence to which the researcher was exposed shows extra information about the subject of enquiry and helps to gain a fuller understanding of the picture. This observation sheds unique light into technical facets of the transport policy making, which, due to the nature of government policy making, is not always possible to acquire otherwise.

Research for this thesis was undertaken following ethical standards. Ethics and dilemmas in qualitative research were taken into account. In particular, a position within the boundaries of academic and professional practice was defined. When engaging with human participants, time, objectives, methodology, publication, and other obligations were negotiated. To ensure their privacy, respondents were asked for their consent to be recorded and approvals were received.²³ Sources are acknowledged and participants' contributions are credited, but responses remain anonymous and information is treated with confidentiality. Ethics approval was obtained from the University Teaching and Research Ethics Committee (UTREC) at the University of St Andrews.²⁴

Research has to limit its remit in terms of authenticity, validity, space and time. The author recognises that her thinking was contingent upon the context from which her interest in the topic emerged. Choice of the topic, theories, methods, data, and interpretation has been inherently laden with the researcher's values. To establish authenticity and validity of data, and to avoid selective reporting and distortion, evidence was scrutinised and cross-referenced by consulting a spectrum of primary and secondary material in its original in the English, French, German, Dutch, Italian, Russian, Ukrainian, Armenian, Azerbaijani, and Georgian sources. Extracting information from the national parliamentary debates of all member states of the EU on their involvement after the crisis posits an additional challenge, as they are published in national languages or are available only upon official request. The primary limit to the research remains a lack of access to Abkhazia and South Ossetia for Georgian nationals, owing to restrictions over the Administrative Boundary Line (ABL) with the *de facto* entities. In particular, the author is restricted to engage with the separatist jurisdictions by her position and identity at a government department within the civil service in Georgia. Access to data and information in the conflict regions also remains constrained. In academic terms, this limitation was overcome by consulting international experts, quoting officials and academics from podcasts of public lectures delivered during their visits in European capitals, as well as by accessing rarity media, notably digital documentary releases produced in the autonomies. As an added dimension, due to diplomatic relations between Georgia and Russia being suspended,

²³ Marlene De Laine, *Fieldwork, Participation and Practice: Ethics and Dilemmas in Qualitative Research* (London: Sage, 2000).

²⁴ For the UTREC Ethics Approval Form see Appendix 4.

and the lack of communication with policy makers in Russia posits another limitation. Last but not least, the requirement to complete the PhD studies within the three-year-postgraduate programme in the UK, the returning commitment to the civil service and higher education in Georgia, as well as funding for this research project were additional technical circumstances for the thesis.

1.5. Case Study Research Design

The research is based on a single-case study which contains more than one unit of analysis to answer the question posed in the thesis. The single-case study is a process of understanding the origins and context of a social phenomenon by gathering, verifying, and synthesising evidence to establish general facts. The purpose of using the single-case design is to establish findings that may defend or refute a hypothesis. Using empirical research design, the in-depth study of a single case captures the unique features of the case and makes inferences from the evidence of this case.

Although case study is a common research method used in the social science disciplines to understand complex social phenomena, such an approach is also contentious. A common argument regarding a case study is that cases generate context-dependent knowledge that is difficult to generalise.²⁵ Other scholars think that a case study does not need to be generalisable, rather, it needs to feed into processes of “naturalistic generalisation.”²⁶ For many other theorists, the aim of the single-case approach is to conduct a generalising and not a particularising analysis, because a phenomenon has a unique nature to be a raw material for generalisation and in that form it can contribute to scientific development.²⁷ Knowledge of a case in this thesis is generalised to the larger segments of the research population. In some instances, the thesis employs a comparative approach to compare the EU’s transport policy to the South Caucasus countries with other countries of the EU’s eastern neighbourhood. The comparative perspective helps to acquire a certain analytical distance and hence allows for a better understanding of the case. Implications derived from this case are informative about the EU’s foreign policy in other parts of its neighbourhood.

The primary case of the research examines the EU’s approximation policy for transport with three South Caucasus countries between 1992 and 2014. It draws on small samples of EU involvement in

²⁵ Lee Ruddin, “You Can Generalize Stupid! Social Scientists, Bent Flyvbjerg, and Case Study Methodology,” *Qualitative Inquiry* 12 (2006): 797-812.

²⁶ Robert Stake and Deborah Trumbull, “Naturalistic Generalization,” *Review Journal of Philosophy and Social Science* 7 (1982): 1-12.

²⁷ Seymour Lipset, Martin Trow and James Coleman, *Union Democracy: The Internal Politics of the International Typographical Union* (New York: Free Press, 1956).

the South Caucasus, and investigates in depth and quality the empirical case of EU policy with Georgia. It then reveals patterns of the EU's inconsistent policy formation. The second level of observation is the EU's approach to protracted conflicts between Georgia and Russia over two secessionist territories: the Autonomous Republic of Abkhazia, and Tskhinvali Region (former Autonomous Region (*Oblast*) of South Ossetia (SOAR)). This empirical context is narrowed down to conflict in 2008, when the EU emerged as a mediator in the South Caucasus, which brings to light the EU mediation capacity by reaching a peace agreement, deploying a civilian mission, and commencing the main negotiating format of the Geneva International Discussions (GID). The peace accord, which excluded the interests of the conflicting parties, and the Geneva Process have not facilitated compliance to four out of six points, speaks for the limitation in EU mediation.

By exploring the EU's engagement in the South Caucasus, next to the EU's involvement in conflicts in Abkhazia and South Ossetia, the research by extension, at some instances, makes comparisons to the EU's approach to the third conflict of Nagorno-Karabakh between other two countries of the South Caucasus – Armenia and Azerbaijan. However, due to limitations of the research scope and the fact that the EU has not engaged in Nagorno-Karabakh, the thesis does not explore this case in depth. Connected to the theme of mediation, another recent conflict in Europe where the EU assumed a role as conflict manager was Northern Ireland. The thesis briefly compares the EU's third party assistance to civil society in Northern Ireland with the South Caucasus. Whilst the EU engaged in peacebuilding in together with the civil society in Georgia, this did not input into conflict resolution policy. The research treats mediation and transport in terms of policy outputs encapsulated in the Partnership and Cooperation Agreements (PCA)²⁸ concluded between the EU and the South Caucasus countries, and the AA agreement with Georgia.

European Neighbourhood Policy and Eastern Partnership

The research also uses a comparative approach making comparisons with the EU's involvement in other eastern neighborhood countries of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP). Established in 2003, the ENP extends to the EU's sixteen immediate neighbours.

²⁸ Cf. Partnership and Cooperation Agreement between the European Communities and their Member States, of the One Part, and the Republic of Armenia, of the Other Part, Luxembourg, 1996, *Official Journal of the European Communities* L 239 1999, Accessed 1-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:239:0003:0036:EN:PDF>; Partnership and Cooperation Agreement between the European Communities and their Member States, of the One Part, and the Republic of Azerbaijan, of the Other Part, Luxembourg, 1996, *Official Journal of the European Communities* L 246 1999, Accessed 1-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:246:0003:0038:EN:PDF>; Partnership and Cooperation Agreement between the European Communities and their Member States, of the One Part, and Georgia, of the Other Part, Luxembourg, 1996, *Official Journal of the European Communities* L 205 1999, Accessed 1-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:205:0003:0038:EN:PDF>.

This geographic region encompasses Ukraine and the South Caucasus in the east, Syria to Israel in the Middle East, the Balkans in the southeast, and reaches Morocco westwards. The neighbourhood includes subregional categories of the Eastern Partnership (EaP) that includes the South Caucasus countries, Southern Mediterranean, African and Middle Eastern countries otherwise known as Union for Mediterranean (UfM), Euro-Mediterranean Partnership (EUROMED), and Middle East and Northern Africa (MENA). Policy of the EU is substantially limited in every part of its neighbourhood.²⁹ Of the neighbourhood regions, the focus of this thesis is the three countries of the South Caucasus from the EaP region.

Since 2009, the EaP has brought together the six post-Soviet eastern neighbouring countries of Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, but EU policy has remained different with each of these countries.³⁰ Relations between the EU and the EaP countries primarily rest on a bilateral format, and at the same time the EU pursues a regional approach by fostering cooperation among these states around common issues. The EaP region is affected by several protracted conflicts in Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria, and Ukraine. The South Caucasus is the most representative case because this region entangles a well-defined group of states with similar characteristics drawn from a geographic area distinguished by a multiplicity of conflicts. It is fragmented with disputes between Georgia and its breakaway regions of Abkhazia and South Ossetia, between Georgia and Russia, between Armenia and Azerbaijan, as well as Armenia and Turkey. In all three cases of South Ossetia (1991-1992), Abkhazia (1992-1993), as well as Nagorno-Karabakh (1988-1994), ceasefire agreements were reached without final settlements, turning the South Caucasus into an area with unresolved conflicts. The South Caucasus is, therefore, remarkably more volatile than the rest of the EaP countries and deserves systematic attention in the study of EU foreign policy. The thesis has therefore been narrowed down to EU policy towards Georgia, and extends its observations to Armenia and Azerbaijan.

The case of EU involvement in Georgia is exceptional on several grounds. First, in contrast to Armenia and Azerbaijan, the EU is confronted in Georgia, which underwent a post-Soviet revolution in 2003, with the highest intensity of Russian engagement. Second, Georgia with its strategic economic and geographic location is an important transit state for diversification of energy

²⁹ Raymond Hinnebusch, "Europe and the Middle East: From Imperialism to Liberal Peace?" *Review of European Studies* 4 (2012): 28; Richard Gillespie, "The European Neighbourhood Policy and the Challenge of the Mediterranean Southern Rim," in *The EU's Foreign Policy: What Kind of Power and Diplomatic Action? Globalization, Europe and Multilateralism*, ed. Mario Telò (Ashgate: Farnham, 2013), 121; George Christou, *The European Union and Enlargement: The Case of Cyprus* (Basingstoke: MacMillan, 2004); Bat Ye'or, *Europe, Globalization, and the Coming of Universal Caliphate* (Plymouth: Rowman, 2011), 148.

³⁰ See Figure 1.

supplies to Europe. Third, conflict in Georgia can have repercussions for the EU eastern neighbourhood. The EU's involvement in Georgia is the most exemplary of its engagement in the EaP because it was during the Russia-Georgia conflict, that the EU assumed a mediator role. The case of EU engagement in the South Caucasus shows the significance of protracted conflicts in the EU's post-Soviet neighbourhood.

Why the South Caucasus?

Opinions differ as to whether the South Caucasus can be viewed as a homogenous region.³¹ Thomas de Waal concludes that the South Caucasus, with Armenia, Azerbaijan and Georgia with their autonomous regions and breakaway entities, has not become a single viable region.³² Tracey German, noting that although it constitutes an important transport and communications corridor, the South Caucasus lacks, relatively speaking, regional cooperation.³³ The European states tend to conceptualise their eastern neighbourhood in several ways: such as the South Caucasus, Eastern Europe, EaP, and the Black Sea area. This thesis regards the region in line with the EU's regional approach to Georgia, Armenia and Azerbaijan, denoting the South Caucasus in its entirety as referred to in the EU's strategy documents. More specifically, while the EU concluded the PCA with Armenia, Azerbaijan, and Georgia in bilateral formats, since 2003 the EU has maintained the European Union Special Representative (EUSR) to the South Caucasus as a whole, which embodies the EU's regional approach. Whilst all three countries locate themselves at the "crossroads between Europe and Asia," they position themselves differently in relation to the EU. Georgia and Armenia identify themselves culturally more as part of Europe, whilst Georgia even pursues an explicit European policy. Armenia and Azerbaijan favour a balanced policy, taking into consideration Armenia's political and economic dependence on Russia, and Azerbaijan's trade relations with Russia.³⁴ Self-perception of the countries also conditioned how external powers view them.

For a number of reasons, it is worth overviewing some different conceptions of the South Caucasus as a cohesive region, which originated fairly recently. Examining contested views on what constitutes a region, Rick Fawn indicates that analytical enquiry about a region includes geography,

³¹ See Figure 2.

³² Thomas de Waal, *The Caucasus: An Introduction* (Oxford: Oxford University Press, 2010).

³³ Tracey German, *Regional Cooperation in the South Caucasus: Good Neighbours or Distant Relatives?* (Surrey: Ashgate, 2012).

³⁴ Tabib Huseynov, "The EU and Azerbaijan: Destination Unclear," in *The European Union and the South Caucasus: Three Perspectives on the Future of the European Project from the Caucasus*, eds. Tigran Mkrtchyan et al., Gütersloh: Bertelsmann Stiftung 1 (2009): 49-89, Accessed 6-01-14, http://www.bertelsmann-stiftung.de/bst/de/media/xcms_bst_dms_28297_28302_2.pdf.

identity, institutionalisation, and the role of actors.³⁵ In geographic terms, the Caucasus is determined by the Caucasus Mountains shared in the north by the North Caucasus republics within the Russian Federation: the Republic of Adygeya, the Karachayevo-Circassian Republic, the Kabardino-Balkarian Republic, North Ossetia/Alania, the Republic of Ingushetia, the Chechen Republic, and the Republic of Daghestan. The Russian vision of Georgia, Armenia and Azerbaijan, as a land over the mountain range where Russia projected its influence, is reflected in the older term Transcaucasus (*zakavkazie*) that first originated when three states formed the Transcaucasian Soviet Federative Socialist Republic (TSFSR) in 1922-1936. Three independent states of Georgia, Armenia and Azerbaijan are presently termed the South Caucasus.³⁶

Georgia, Armenia and Azerbaijan share both differences and similarities. The three are located between the Black and Caspian Seas, Russia, Turkey and Iran, but on several geopolitical platforms, with different Christian and Muslim religious affiliations, as well as with different linguistic belonging to Indo-European (Kartvelian and Armenian) and Turkic language families. Because of the protracted conflict between Armenia and Azerbaijan, the three are not economically interconnected either. However, all three are the part of the regional transit corridor of the Transport Corridor Europe-Caucasus-Asia (TRACECA) technical assistance programme that the EU developed towards the region. With a total population of 16 million, politically the three states also share a common Soviet history, a susceptibility to the destabilising power of Russia, as well as the use of Russian as a *lingua franca*. A legacy of conflicts makes both a common feature and causes regional divisions. Those scholars from Armenia who contest the notion of the South Caucasus, point out that up until the 19th century the concept of the South Caucasus did not exist and it remains a mere political construct.³⁷ Some geopolitical analysis refers to the Caucasus, combining the South and North parts, which presupposes Russia but also acknowledges security challenges emanating from Russia, Turkey and the Islamic Republic of Iran in this “buffer zone.”³⁸ The region also tends to be identified by the EU in a wider Neighbourhood and Eastern Partnership context.³⁹ Another conceptualisation, often put forward by Georgian experts, is a Black Sea region,

³⁵ Rick Fawn, “‘Regions’ and Their Study: Wherefrom, What For and Where to?” *Review of International Studies* 35 (2009): 5-17.

³⁶ See Figure 2.

³⁷ Aleksander Iskandaryan, “South Caucasus between Isolation and Integration: Genesis and Prospects,” in *Caucasus Neighbourhood: Turkey and the South Caucasus*, ed. Aleksander Iskandaryan (Yerevan: Caucasus Institute, 2008), 7; Syuzanna Vasilyan, “The Policy of ‘Regional Cooperation in the South Caucasus’,” Argentina: Centro Argentino de Estudios Internacionales, 2004, Accessed 18-03-14, http://edoc.bibliothek.uni-halle.de/servlets/MCRFileNodeServlet/HALCoRe_derivate_00001901/The%20Policy%20of%20Regional%20Cooperation.pdf, 35.

³⁸ Françoise Companjen, László Marác and Lia Versteegh, (eds.) *Exploring the Caucasus in the 21st Century* (Amsterdam: Pallas, 2010), 14.

³⁹ Synthesis and policy makers’ comments see in Rick Fawn, “Security in the South Caucasus, Conference Report,” WP 1171, UK: Wilton Park, Accessed 13-10-13, <https://www.wiltonpark.org.uk/wp-content/uploads/WP1171-Final-Report.pdf>.

comprising the littoral states of the Republic of Bulgaria, Georgia, Romania, Russia, the Republic of Turkey and Ukraine, which connects Europe, Russia, Central Asia and the Middle East.⁴⁰ Azerbaijani scholars tend to refer to the region in terms of the Caspian that includes Georgia as a transit country for Caspian energy but excludes Armenia.⁴¹ As a scholar from Azerbaijan pointed out, the South Caucasus is a region with sub-Caucasian identities manifested in mixed culture, while the Caspian region is more an artificially imposed identity.⁴² Although all Caspian countries are energy-based economies and share a Soviet historical past, these commonalities have not been transformed into their common identity. A political map of Europe is sometimes still conceptualised more broadly as Transcaucasia and South Eastern Europe with six unresolved conflicts in Northern Cyprus, Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh and Kosovo.⁴³ Against the backdrop of various conceptualisations, the empirical scope of this thesis is the South Caucasus.

1.5.1. Definition of Terms

Contested definitions of terms in social science, requires a definition of the key terms. This subchapter defines EU foreign policy, its coherence, consistency and effectiveness used across the thesis. It also provides definitions of war and conflict, and Abkhazia and South Ossetia, whereas conflict resolution and mediation are defined later in subchapter 4.5. The emergence of supranational political systems and the diversity of actors in international relations have raised a need to rethink the definition of political entities that do not constitute a state.⁴⁴ Since foreign policy is traditionally seen as an attribute of a nation state, defining the EU's foreign policy entails a conceptual complexity. In this context, the thesis uses the inclusive definition of foreign policy conducted by the EU, proposing that the EU foreign policy is a strategy of the Union that encompasses its positions, relations, and the actions of its member states in *world* politics.

The combined definition proposed in this thesis draws on the concept of the EUFP advanced by Hill, Whitman, Jørgensen, Aggestam, Domínguez, Grimm, Zielonka, Jørgensen, White, Stritzel, Ginsberg, and Smith. A prominent definition of the EUFP is that of Hill which asserts that foreign policy is “the sum of official external relations conducted by an independent actor (usually a state) in international relations.”⁴⁵ According to Whitman, assuming that foreign policy is a function of a

⁴⁰ Oleksandr Pavliuk and Ivanna Klympush-Tsintsadze, *The Black Sea Region: Cooperation and Security Building* (New York: Sharpe, 2004).

⁴¹ Elkhan Nuriyev, “Azerbaijan and the European Union: New Landmarks of Strategic Partnership in the South Caucasus–Caspian Basin,” *Southeast European and Black Sea Studies* 8 (2008): 155; Moshe Gammer, (ed.) *The Caspian Region: A Re-emerging Region*, Volume I (London: Routledge, 2004).

⁴² Interview 54.

⁴³ Anton Bebler, (ed.) *Frozen Conflicts in Europe* (London: Budrich, 2014).

⁴⁴ Ben J. J. Crum, “Representative Democracy in the EU,” *European Law Journal* 11 (2005): 465.

⁴⁵ Hill, *The Changing Politics of Foreign Policy*, 3.

state, the EU can only be the subject of enquiry in IR if it is a nation state.⁴⁶ In contrast to the realist notion of a state, which is the unit of analysis in *international* politics, the EU acts in an increasingly interdependent world. Reflecting the transformation of foreign policy in the world, Aggestam explains that the EU is a new type of actor in *world* politics.⁴⁷ As the EU is not a state, Domínguez notes that the EU's foreign policy is not bound to traditional rules.⁴⁸ Drawing on an agent-structure approach to analyse the EUFP, Domínguez distinguishes three types of agents in the EUFP: principal (Council), delegated (Commission and Parliament), and interest groups. Interaction between these three constitutes three main structures of the EUFP: organisational setting, foreign policy instruments, and practices. As Dieter Grimm observes, institutionally the EU does not resemble a state but it has developed its own model marked by supranationality.⁴⁹ Zielonka, after comparing the EU borders to a medieval instead of a Westphalian pattern, shows the difficulty to establish the difference between a foreign policy and a domestic policy of the EU.⁵⁰ By examining the concept of "foreign" as a division between "inside" and "outside," Jørgensen saw that the end of the Cold War created the need among the states to conduct foreign policy.⁵¹ White argues that although the EU does not have a state identity, its directives in external relations are simulacrum of a foreign policy.⁵² The central tenet uniting the EU scholars is that the EU is an entity that operates at different levels including national, supranational, neighbourhood and international. Taking a critical approach to security in Europe, Stritzel even points out the difficulty of determining Europe in geographic terms and that Europe is rather "a varied range of historical and cultural relations."⁵³ This thesis determines that, given the changing nature of *world* politics, the EUFP is an external policy conducted by the EU as a new type of entity in *world* politics.

Using a different approach to Foreign Policy Analysis (FPA) in order to study the nature of common foreign policy making, Ian Manners and Richard Whitman maintain that, although the changing nature of the EU has had a different impact on its member states, common features still

⁴⁶ Richard Whitman, *From Civilian Power to Superpower? The International Identity of the European Union* (Basingstoke: Macmillan, 1998), 223.

⁴⁷ Lisbeth Aggestam, "New Actors, New Foreign Policy: EU and Enlargement," in *Foreign Policy: Theories, Actors, Cases*, eds. Steven M. Smith et al. (Oxford: Oxford University Press, 2012), 463.

⁴⁸ Roberto Domínguez, "Constructing the European Union Foreign Policy: Cases for Analysis in the Transatlantic Relationship," *Jean Monnet/Robert Schuman Paper Series* 6 (2006), Accessed 9-10-13, http://www6.miami.edu/eucenter/Dominguez_Constructing%20EU%20foreign%20policy.pdf, 1-5.

⁴⁹ Dieter Grimm, "Does Europe Need a Constitution?" *European Law Journal* 3 (1995): 291.

⁵⁰ Jan Zielonka, *Europe as Empire: The Nature of the Enlarged European Union* (Oxford: Oxford University Press, 2006), 145.

⁵¹ Knud Erik Jørgensen, "European Foreign Policy: Conceptualising the Domain," in *Contemporary European Foreign Policy*, eds. Walter Carlsnaes et al. (London: Sage, 2004), 32.

⁵² Brian White, "Foreign Policy Analysis and the New Europe," in *Contemporary European Foreign Policy*, eds. Walter Carlsnaes et al. (London: Sage, 2004), 14.

⁵³ Holger Stritzel, "Europe, Knowledge, Politics – Engaging with the Limits: The C.A.S.E. Collective Responds," *Security Dialogue* 38 (2007): 562.

influence the foreign policies of EU member states.⁵⁴ Bearing this in mind, Ginsberg defines the EUFP as “the universe of concrete civilian actions, policies, positions, relations, commitments, and choices of the EC (and EU) in international politics.”⁵⁵ Going one step further, given its function, Smith positions the EU between civilian and military power.⁵⁶ Drawing on the definition of Ginsberg, this thesis defines EU foreign policy as a strategy of the Union that entails its positions, relations, and actions in world politics. The thesis avails this definition as a framework for examining the EU’s external policy regarding transport. From this definition, EU foreign policy can be viewed as a symbiosis of practices and discourses. Throughout the thesis, EU foreign policy making is defined as a process of the EU’s long-term engagement with a particular region.

The EU treaties provide an obligation for the EU to formulate a coherent, consistent and effective foreign policy. The Treaty of Lisbon (TL) determined the legal basis for the nature of EU foreign policy. According to Article 9, the aim of the EU is to “ensure the consistency, effectiveness and continuity of its policies and actions.”⁵⁷ Consistency in EU external policy output is defined as the absence of contradictions among foreign policies. Coherence implies continuity in the foreign policy aspect. Similar to the contested definition of EU foreign policy, the benchmark against which coherence in conflict resolution policy can be measured is also debated. Whilst it is difficult to judge the coherence of EU policy, the thesis determines coherence by examining the results of the EU’s conflict resolution commitments against its outputs. It is therefore suggested that conflict resolution has been incoherent whereas transport policy, in contrast showed coherence. Following on from the adoption of the TL, the EU has aimed to use coherent efforts for conflict resolution in its eastern neighbourhood. However, as Smith explains, incoherent outcomes were likely to arise because of its fragmented legal-institutional structures.⁵⁸ Coherent policy in conflict resolution and incoherent policy in transport are looked as inconsistent with each other.

One criticism of the study of EU foreign policy is that it tends to focus on the effectiveness of the EU as an international actor. According to the European Security Strategy (ESS), the foreign policy is considered effective if the EU acts with a coherent foreign policy through a better institutional

⁵⁴ Ian Manners and Richard Whitmann, (eds.) *The Foreign Policies of the European Union Member States* (Manchester: Manchester University Press. 2000).

⁵⁵ Ginsberg, *The European Union in International Politics*, 3.

⁵⁶ Karen E. Smith, “Beyond the Civilian Power EU Debate,” *Politique Européenne* 1 (2005): 63-82.

⁵⁷ Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Lisbon, 2007, *Official Journal of the European Communities* C 306 2007, Accessed 2-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:EN:PDF>, Art. 9.

⁵⁸ Karen E. Smith, *European Union Foreign Policy in a Changing World* (Malden: Polity Press, 2008).

coordination.⁵⁹ Using its own criteria, the EU did not manage to uphold this term in the case of Georgia, through institutional coordination of its commitments under the mandate of the European Union Monitoring Mission in Georgia (EUMM) and the GID discussions. This thesis, however, does not pose whether EU foreign policy was effective. As Christopher Bickerton, by looking into the function of foreign policy within the EU concludes, because consensus on foreign affairs between member states matters more than the outcomes, EU foreign policy should be studied with a focus on functionality rather than effectiveness.⁶⁰ This thesis suggests that EU foreign policy regarding transport area has been coherent in terms of its functionality, whereas the EU's conflict resolution policy lacks this feature, it cannot be regarded coherent.

The terms Abkhazia and South Ossetia also require clarification. Today Abkhazia, South Ossetia, as well as Nagorno-Karabakh are *de facto* states. After Russia recognised the independence of Abkhazia and South Ossetia in 2008, they have become partially internationally recognised. They regard themselves as the Republic of Abkhazia with its capital Sukhum, and the Republic of South Ossetia with its capital Tskhinval, as well as the Republic of Nagorno-Karabakh with Stepanakert [sic].⁶¹ This thesis regards Abkhazia situated in the north-western part of Georgia with administrative capital Sokhumi, and South Ossetia in the northern-central part with administrative centre Tskhinvali as integral parts of Georgia, whilst Nagorno-Karabakh is viewed as integral to Azerbaijan located in the south-west. The thesis uses the term Abkhazia with reference to the Constitution of Georgia stating that “the status of the Autonomous Republic of Abkhazia shall be determined by the Constitutional Law of Georgia on the Status of the Autonomous Republic of Abkhazia.”⁶² In contrast to Abkhazia, the Constitution does not mention South Ossetia because it was already an autonomous region. Official status of South Ossetia is defined elsewhere in the Georgian legislation as a SOAR,⁶³ and Tskhinvali Region.⁶⁴ Instead of using the term South Ossetia that implies political bonds with North Ossetia, the Georgian Government refers to South Ossetia as part of the Georgian province of Shida Kartli by its historical name Samachablo. Some literature

⁵⁹ Council of the European Union, Report on the Implementation of the European Security Strategy, “Providing Security in a Changing World,” S407/08, Brussels, 2008, Accessed 30-12-12, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf, 11.

⁶⁰ Christopher Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality* (New York: Palgrave, 2011), 32.

⁶¹ The two spelling variations reflect political differences between the Georgian version “Sokhumi” and “Tskhinvali,” and the Russian version of “Sukhum” and “Tskhinval.”

⁶² Constitution of Georgia, Government of Georgia, Adopted on 24 August 1995, Tbilisi, Accessed 29-01-13, http://www.parliament.ge/index.php?option=com_content&view=article&id=180&Itemid=85&lang=ge, Art. 3(4).

⁶³ President of Georgia, Order №296 from 10 May 2007 on Administration of the Temporary Administrative Territorial Entity on the Territory of the Former Autonomous Region of South Ossetia, Tbilisi, Accessed 29-01-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=100630&lang=ge.

⁶⁴ Government of Georgia, Decree №21 from 28 January 2005 on Cooperation with Venice Commission for Defining the Status of Tskhinvali Region, Tbilisi, Accessed 29-01-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=10894&lang=ge.

suggests that such reference constitutes an effort to dilute the *de facto* entities to Georgia.⁶⁵ In view of the controversy of terminology, the thesis chooses to refer to the three jurisdictions as they appear in UN documents as Abkhazia, South Ossetia, and Nagorno-Karabakh.

To distinguish between conflict and war, the thesis relies on the categorisation proposed by Peter Wallensteen and Margareta Sollenberg. In their study of armed conflicts, the authors determine that a minor armed conflict is a conflict when the number of battle-related deaths does not exceed 1,000, and an intermediate armed conflict is when over 1,000 battle-related deaths are recorded, but the number is below 1,000 in a year.⁶⁶ According to this categorisation, war is when over 1,000 battle-related deaths occur in any given year.⁶⁷ With this in mind, developments in South Ossetia (1991-1992), Abkhazia (1992-1993), Nagorno-Karabakh (1988-1994), Chechnya (1994-2007), and Ukraine (2014-2015) are defined as wars, but in South Ossetia (2008) as an armed conflict.

1.6. Chapter Outline

The thesis contains six chapters. The introductory chapter briefly outlines the research question, hypothesis, contribution, social relevance, theoretical premises, justification for the case study, definitions, methodology, methods and research design. The next chapter analyses three causal factors for incoherence in conflict resolution: preferences of EU member states, following their historical experience with Russia, and institutional framework of the EU common foreign policy. The chapter identifies a great deal of literature in EU conflict resolution in the South Caucasus and insufficient analysis about the sectoral area of transport in the EU's external policy. This chapter also overviews normative convergence and socialisation that the EU uses in its interaction with the neighbourhood in four different forms of normative, soft, civilian, and military power. The same chapter devises a realist and liberal intergovernmentalist theoretical framework of explanation that is applied to EU foreign policy practice.

Chapter three is narrowed down to focus on the transport policy explaining features of transport relations between the EU and the South Caucasus countries. More specifically, the first subsection overviews the formation of EU policy in its treaties, and the significance of the PCA and AA agreements as well as the EaP mechanism for EU transport policy. The second subchapter analyses

⁶⁵ George Hewitt, "Demographic Manipulation in the Caucasus (with Special Reference to Georgia)," *Journal of Refugee Studies* 8 (1995): 60; Gerard Toal, "Russia's Kosovo: A Critical Geopolitics of the August 2008 War over South Ossetia," *Eurasian Geography and Economics* 49 (2008): 673.

⁶⁶ Peter Wallensteen and Margareta Sollenberg, "Armed Conflict, 1989-99," *Journal of Peace Research* 37 (2000): 639.

⁶⁷ Wallensteen and Sollenberg, "Armed Conflict," 639.

the three factors of legislative alignment, common area, and restrictive measures that has enhanced the EU's external policy. A section within this subchapter also investigates the unexplored topic of maritime entry in Abkhazia, which, despite its policy coherence in transport, the EU has not considered in the prism of "engagement without recognition policy." The third subchapter examines the development of the TRACECA transit corridor for cargo transportation. As the South Caucasus and Central Asia is primarily transit corridor for energy, this subchapter also studies the EU's energy diversification through this region, and examines investment by EU countries in the energy sector that constitutes three major oil pipelines and seven gas pipelines. The final section of this subchapter analyses the EU's cooperation with the UN specialised agency, International Maritime Organization (IMO) in maritime transport that proves the coherence of EU's transport policy towards the South Caucasus.

Chapter four examines international involvement in the South Caucasus conflicts between 1992 and 2014 that inhibited the EU's conflict resolution. It starts out by examining three phases in Georgia's foreign policy when it sought good relations with Russia (1991-1995), then reoriented towards the West (1996-2003), and pursued intense integration with European and Euro-Atlantic institutions after the Rose Revolution (2004-2013). Autonomous status created in the soviet constitutions, majority voting, nationalist ideology and elite manipulation prepared the ground for wars in Abkhazia (1991-1992) and South Ossetia (1992-1993). Russia's ambivalent foreign policy with Georgia was apparent in acting as an interlocutor by signing peace agreements while offering assistance in mediating peace. Russia, following its wars in Chechnya and the subjugation of Ukraine is asserting its military presence in the former Soviet space against security changes in the South Caucasus and Central Asia marked by US and NATO engagement. Subchapter four investigates the preconditions and aftermath of the Russia-Georgia conflict in August 2008, including the precedent of Kosovo independence, as well as the deferral of Georgia's Membership Action Plan (MAP) with NATO in Bucharest. In the 1990s, the EU did not have foreign policy mechanisms to mediate. Subchapter five lists three major reasons why the EU foreign policy regarding conflict resolution has been incoherent: different interests and preferences shown by the member states, reliance on the UN and CSCE/OSCE that perpetuated the *status quo* of the conflicts, and an inability to utilise its own assistance to incentivise the conflicting parties.

The same chapter, by putting forward views rarely published before, discovers that the engagement without recognition policy applied by both the EU and the Georgian Government *vis-à-vis* Abkhazia and South Ossetia did not facilitate conflict resolution because they did not take into account the internal dynamics within the two entities. Subchapter seven briefly derives implications

from the EU civil society assistance in the Northern Irish peace process and applies them to the South Caucasus context. As a result of this, the EU also approached conflicts in the South Caucasus in cooperation with civil society. That this cooperation could not contribute to conflict mediation only adds to the same conclusion of inconsistency of the EU policy.

Once the context of the EU's involvement in conflict resolution is understood, chapter five offers an empirical analysis of two phases in the EU's mediation in the Russia-Georgia conflict in 2008, one in which the ceasefire was reached, and the second phase of a subsequent political settlement. The thesis analyses coherence of EU mediation in both phases by looking whether clauses requested by the conflicting parties were incorporated in the peace agreement of 12 August 2008⁶⁸ discussed in the first subchapter; and second, by comparing provisions of the agreement against its outcome over the Geneva Process discussed in the fourth subchapter. The thesis contends that negotiations reflected particular way of the EU's diplomacy on the grounds that the agreement did not include provisions requested by Georgia. During the second phase of the GID, Russia did not respect most of the provisions. Although the outcome of deliberation within the EU was to engage, the second and the third subchapter analyses divergent opinions about the peacekeeping mission among some old and new member states conditioned by their preferences and historical experience with Russia.

The final chapter concludes with the enduring question under which conditions EU foreign policy is consistent. As a realist and liberal integovernmentalist approach suggests, EU foreign policy tends to be coherent when sectoral cooperation between the EU and the neighbouring states prevails. After concluding the above in chapter six, the thesis indicates additional areas for future research.

⁶⁸ See Appendices 1 and 2.

Chapter 2. Literature Review

There is a growing body of literature about EU foreign policy, however, literature on EU neighbourhood policy in sectoral areas, such as transport, is rather limited. Literature that mentions transport in the context of governance within the EU does not discuss EU external policy on transport, which, however, exists in practice. After a brief overview of how EU policy was formed in founding treaties, the first subchapter examines literature on institutional framework of the EU foreign policy. The next subchapter analyses liberal constructivist and normative underpinnings of the European Union Foreign Policy Making (EUFP). The same part identifies that EU power combines normative, soft, civilian, and military power. The third subchapter engages in literature on realism and LI, which serves as a theoretical tool for the argument in this thesis. The fourth subchapter discusses the state of the art in the literature on the EU's neighbourhood policy in the South Caucasus. Whilst EU foreign policy is studied extensively, literature on the EU's external policy regarding transport hardly exists. This is discussed in the last subchapter.

2.1. Institutional Framework of the EU Foreign Policy

After an overview of development of the EU foreign policy, this subchapter argues that the reason for limited coherence in conflict resolution with its neighbourhood lies in the institutional framework of CFSP. By contrast, in the sectoral area of transport with functional cooperation, the EU policy shows coherence. After presenting functionalist premises in IR, that focuses on common interests and needs shared by states, an account will be suggested of the realist and liberal intergovernmentalist assumptions.

Integration historiography has been distinguished by deepening and widening of communitarian integration since the 1950s. The origins of EU foreign policy are found in four founding Treaties of the European Union, and the ESS.⁶⁹ The Treaty on the Functioning of the European Union (TFEU), also known as the Treaty of Rome, effective since 1958, created contours of foreign policy denoted as “external action” that is defined as “the Union’s action on the international scene” by introducing development cooperation and delegations into third countries.⁷⁰ Devising foreign policy in the post-

⁶⁹ Mathieu Segers, “Preparing Europe for the Unforeseen, 1958-63. De Gaulle, Monnet, and European Integration beyond the Cold War,” *International History Review* 34 (2012): 347-70.

⁷⁰ Treaty on the Functioning of the European Union, Rome, 1957, *Official Journal of the European Communities* C 83 2010, Accessed 2-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:EN:PDF>, 205.

Cold War period was a response to internal and external realities for the EU. As Andrew Williams observes, when the East-West divide in terms of the Warsaw pact *versus* the European Community lost its relevance it became difficult to draw the boundaries in Europe.⁷¹ After the collapse of the German Democratic Republic (GDR), Yugoslavia, Czechoslovakia and the Soviet Union, the European Community (EC) succeeded in projecting stability to Central and Eastern Europe (CEE).⁷² This is considered to be achieved by establishing CFSP with the TEU, also known as the Maastricht Treaty signed in 1991.⁷³ The Treaty of Amsterdam amended the TEU in 1997, and brought in a common foreign and security policy to promote still greater solidarity among the member states.⁷⁴ Changes in international security, marked by the terrorist acts of 11 September 2001 in the US and invasion in Iraq in 2003, required multilateral collective action from the EU.

The need to respond more strategically to challenges was proclaimed in the ESS developed under the leadership of the Secretary General/High Representative (SG/HR) for CFSP Javier Solana. In Security Strategy, the EU emphasised the need for a consistent foreign policy with transatlantic cooperation to “promote a ring of well governed countries” and, related to its eastern neighbourhood, to “take a stronger and more active interest in the problems of the Southern Caucasus.”⁷⁵ Five years later, the Council in its Report on the Implementation of the European Security Strategy assessed that the EU had created a robust framework for relations with countries to the east and had acquired a new dimension for the EaP.⁷⁶ With the Russia-Georgia conflict in 2008, the Report considered that the EU needed to extend its power with political, military, and economic instruments in its neighbourhood, as laid out in the amended Treaty of Lisbon.

Ratified in 2009, the TL aimed to introduce consistency in EU foreign policy by dissolving its pillar structure, but retaining distinctiveness in supranational and intergovernmental procedures in policymaking. Whereas the Treaty retains foreign policy at intergovernmental level, its external economic relations and functions are delegated to the Commission and the Parliament.⁷⁷ This Treaty also established the European External Action Service (EEAS) to promote consistency in the

⁷¹ Andrew Williams, “Conflict Resolution after the Cold War: The Case of Moldova,” *Review of International Studies* 25 (1999): 76.

⁷² Rick Fawn, “The East,” in *The Geopolitics of Euro-Atlantic Integration*, eds. Hans Mouritzen and Anders Wivel (London: Routledge, 2005), 146.

⁷³ Treaty on European Union, Maastricht, 1992, *Official Journal of the European Communities* C 83 2010, Accessed 1-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:en:PDF>.

⁷⁴ Treaty of Amsterdam, Amending the Treaty of the European Union, the Treaties Establishing the European Communities and Certain Related Acts, Amsterdam, 1997, *Official Journal of the European Communities* C 97 1997, Accessed 1-08-13, http://eur-lex.europa.eu/en/treaties/dat/11997D/tif/JOC_1997_340_1_EN_0005.pdf, Art. 1(J1).

⁷⁵ Council of the European Union, “A Secure Europe in a Better World,” European Security Strategy, Brussels, 2003, Accessed 7-01-13, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>, 7-8, 13.

⁷⁶ Report on the Implementation of the European Security Strategy, 5.

⁷⁷ Treaty of Lisbon, Art. 11, Para. 2.

EU's external relations by creating two posts: the Permanent President of the Council, accepted by Herman Van Rompuy, and the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission under Baroness Ashton. According to some prevalent views, this reform complicated the institutional framework for foreign policy.⁷⁸ Prior to Lisbon, competencies in EU foreign policy making were dispersed across the Commission, the Council, and an HR. As Wolfgang Wagner argues, the CFSP could benefit from a competency transfer to the Commission as a supranational structure.⁷⁹ After adoption of the TL, as some authors note, although the EU aimed to achieve coherence in its action, even by including Commission delegations in the EU external action, it has still found it difficult to bring coherence in conflict resolution policy and consistency in EU's external relations.⁸⁰ The fundamental reason for this limitation lies in the institutional framework of CFSP. EU member states tend to take different positions about foreign and security policy for clearly explicable reasons. Shared foreign policy competencies are not meant to be common that is contingent upon institutional conditions. As Michael E. Smith argued, states are unable to share competencies with divergent preferences and foreign policy priorities.⁸¹ This constitutes a complex pattern of EU foreign policy on political engagement in its neighbourhood. However, in the sectoral area of transport, the EU policy shows coherence, the reason of which rests in functional nature of cooperation with its neighbourhood.

Functionalist vision of international governance, later referred as integration theory, accentuates institutionalised cooperation.⁸² Taking a functional approach to international conflict management, David Mitrany argued that international cooperation that rests on functional agencies, working in technical and economic sectors, have functional responsibilities in managing those issue areas for which there is a consensus to cooperate.⁸³ Security from functional perspective is concerned with

⁷⁸ Antonio Missiroli, "The New EU 'Foreign Policy' System after Lisbon: A Work in Progress," *European Foreign Affairs Review* 15 (2010): 427; Vicky Reynaert, "The European Union's Foreign Policy since the Treaty of Lisbon: The Difficult Quest for More Consistency and Coherence," *The Hague Journal of Diplomacy* 7 (2012): 207.

⁷⁹ Wolfgang Wagner, "Why the EU's Common Foreign and Security Policy Will Remain Intergovernmental: A Rationalist Institutional Choice Analysis of European Crisis Management Policy," *Journal of European Public Policy* 10 (2003): 576-95.

⁸⁰ Rudolf W. Strohmeier, Clemens Ladenburger and Martin Selmayr, "Europe and the Treaty of Lisbon: Origin, Innovations and Future Prospects," in *EU Policies: An Overview: From Decision-making to Implementation*, eds. Rudolf W. Strohmeier and Ingrid Habets (Brussels: Centre for European Studies, 2013), 49; Kateryna Koehler, "European Foreign Policy after Lisbon: Strengthening the EU as an International Actor," *Caucasian Review of International Affairs* 4 (2001): 59; Giji Gya, "Enacting the Lisbon Treaty for CSDP: Bright Lights or a Tunnel?" *European Security Review* 47 (2009): 4.

⁸¹ Michael E. Smith, *Europe's Foreign and Security Policy: The Institutionalization of Cooperation* (Cambridge: Cambridge University Press, 2003); Walter Carlsnaes, "Where Is the Analysis of European Foreign Policy Going?" *European Union Politics* 5 (2004) 495-508.

⁸² Leonard T. Hobhouse, *Social Evolution and Political Theory* (New York: Columbia University Press, 1922); Lucian M. Ashworth and David Long, (eds.) *New Perspectives on International Functionalism* (Basingstoke: Macmillan, 1999); Ernst B. Haas, *Beyond the Nation-State: Functionalism and International Organization* (Stanford: Stanford University Press, 1964).

⁸³ Mitrany, "The Prospect of European Integration: Federal or Functional;" David Mitrany, *The Functional Theory of Politics* (New York: St. Martin's Press, 1975).

economic interaction besides high political affairs. Collective governance and material interdependence between states produces internal dynamics.⁸⁴ As the author concludes, geographic association no longer corresponds to the interests of the EU's neighbours.⁸⁵ In functionalist critique, David Long argued for a functional approach that emphasises integrative aspects of security. The author proposed that openness in trade policies, that as noted above include elements of security, with the EU neighbours and technical cooperation would enable functional cooperation across Europe.⁸⁶ By this, it can be distinguished between "low politics," i.e. functional cooperation, *versus* "high politics," i.e. political and security cooperation. Following this line of reasoning, security in the EU's neighbourhood is provided through functional cooperation. EU sectoral policy reflects functionalist regional integration rather than a geographic strategy towards the neighbourhood.

2.2. The Use of Normative Convergence and Socialisation

Discussion of common foreign policy requires an understanding of the normative convergence and socialisation that the EU uses in its interaction with the neighbourhood for foreign policy purposes. In these relations, the EU assumes a certain form of power examined across the four forms of normative, soft, civilian, and military power Europe within this subchapter.

EUFP analysis implies that the EU as a unitary actor with a common perception on shared norms conducts a common policy in global affairs. The following line of thought is that these norms foster feelings of intergovernmental solidarity visibly translated into common policy. Normative convergence and socialisation are sought with countries as a means of interaction. The EUFP has clear liberal constructivist and normative underpinnings put forward by Wendt, Adler, Hopf, Finnemore and Sikkink, Manners, Parmentier, Lucarelli, Diez, Gänzle, and Aliboni. According to the liberal constructivist account, the EU strives to achieve global peace by exporting its values to the international arena. These values of peace, freedom, democracy, human rights, rule of law as laid down in the Charter of Fundamental Rights of the European Union, and encompassed in the European law of the *acquis communautaire* after the Copenhagen meeting in 1993, are to be shared among the EU member states.⁸⁷ Such a perspective is based on a wider theoretical framework of

⁸⁴ David Mitrany, *The Progress of International Government* (New Haven: Yale University Press, 1933).

⁸⁵ David Mitrany, *A Working Peace System: An Argument for the Functional Development of International Organization* (London: Royal Institute of International Affairs, 1943).

⁸⁶ David Long, "The EU and Variables of Enlargement," in *Between Actor and Presence: The European Union and the Future for the Transatlantic Relationship*, ed. George A. MacLean, (Ottawa: University of Ottawa Press, 2001), 11.

⁸⁷ Charter of Fundamental Rights of the European Union, Nice, 2000, *Official Journal of the European Communities* C 364 2000, Accessed 5-12-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>, Preamble.

social constructivism. According to this ontological assumption by Wendt, Adler, Hopf, Finnemore and Sikkink, subjective positions of the actors are mutually constructed with social interaction resulting in the shared ideas and perceptions that act as an intersubjective structure.⁸⁸ This structure constitutes common identity that determines the preferences and interests of the actors. The next line of thought focuses on normative convergence between the EU and its neighbours. Following Manners, the EU acts with a common set of values and norms, referred to as a normative core, that serves as guidance for EU foreign policy.⁸⁹ According to Permentier and Lucarelli, having created a shared understanding by interaction with other actors, instead of coercion the EU conflates norms with its international presence in its foreign policy.⁹⁰ This framework of interaction views socialisation as minimising the differences between the actors. The normative model prescribes that the “other” needs to be socialised, and the boundaries between “self” and “other” will be removed, yet the EU will retain a position of directorship.⁹¹ This is achieved on a discursive level by using language, such as “friends,” and on a political level by appraisal or shaming.⁹² Since the accession of Bulgaria and Romania, the EU now borders on Black Sea region where the EU meets two of its traditional “others:” Russia, and Turkey.⁹³ The EUFP hence aims to foster cooperation in the South Caucasus by infusing norms that incrementally reduce the security threat and achieve stability.

In the South Caucasus, the EU approaches its neighbours with normative convergence using the ENP and the EaP instruments. An economic component, entailing the norms of market economy, has been a complementary part used by the EU to export its values to the former communist countries by extending economic tools to attain stability.⁹⁴ As an added dimension to exporting values, the EUFP sustains economic assets by opening new markets for the EU.

⁸⁸ Wendt, *Social Theory of International Politics*, 229-327; Adler, “Seizing the Middle Ground,” 322; Ted Hopf, *Social Construction of International Politics: Identities and Foreign Policies* (Ithaca: Cornell University Press, 2002), 8; Martha Finnemore and Kathryn Sikkink, “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics,” *Annual Review of Political Science* 4 (2001): 895.

⁸⁹ Manners, “The Normative Ethics of the European Union,” 20.

⁹⁰ Florent Parmentier, “Reception of EU Neighbourhood Policy,” in *EU Foreign Policy in a Globalized World: Normative Power and Social Preferences*, ed. Zaki Laïdi (Abingdon: Routledge, 2008), 103; Sonia Lucarelli, “Introduction,” in *Values and Principles in European Union Foreign Policy*, eds. Sonia Lucarelli and Ian Manners (Abingdon: Routledge, 2006), 4.

⁹¹ Thomas Diez, “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe’,” *Millennium: Journal of International Studies* 33 (2005): 613-36.

⁹² Judith Kelley, “New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy,” *Journal of Common Market Studies* 44 (2006): 39.

⁹³ Stefan Gänzle, “The European Neighbourhood Policy: A Strategy for Security in Europe?” in *The Changing Politics of European Security*, ed. Stefan Gänzle and Allen G. Sens (New York: Palgrave, 2007), 113; Roberto Aliboni, “The Geopolitical Implications of the European Neighbourhood Policy,” *European Foreign Affairs Review* 10 (2005): 2.

⁹⁴ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the One Part, and Georgia, of the Other Part. Vilnius, 2013, *Official Journal of the European Communities* L 261/4 2014, Accessed 15-02-15, http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf.

2.2.1. Europe as a Normative, Soft, Civilian, and Military Power

Over the last thirty years, literature on the EU has advanced four main concepts that characterise the EU in global politics. The EU, being neither an emerging federal state nor a traditional intergovernmental entity of sovereign states, is often viewed as a particular postmodern form of power.⁹⁵ Among the most prevalent concepts within this form of power are normative, soft, civilian, and military power Europe developed by Duchêne, Bull, Nye, Telò, Merlingen, Smith, Wagner, Bono, Smith, and Maull.

Literature in the field of IR has purported that not only is the EU a civilian power, it is also a normative power that uses civilian and military instruments to achieve its external goals. First introduced by Duchêne, civilian power is defined with reference to the EC as “short on armed forces and long on economic power.”⁹⁶ It is a civilian form of power that enables the EC/EU to maintain its influence in international relations. According to Duchêne, having paved the way for a civilian power, military power sustained the EU’s military control for international cooperation.⁹⁷ In the 1980s, Bull contested that the notion of a civilian power was only relevant during *détente*,⁹⁸ however, militarising the EC/EU became necessary given the existence of post-Soviet military. Introduced in 2002, Manners defined the normative power Europe as “ability to shape conceptions of ‘normal’ in international relations.”⁹⁹ Prior to that, following the collapse of the Soviet Union, besides a normative power, Hill proposed the function of the EC/EU as a “mediator of conflicts” in the newly independent states.¹⁰⁰ The EU can be seen as a particular model of power that uses norm diffusion in its external relations with security challenges and economic interests for the EU.

Another categorisation of the EU is as a soft power. Introduced by Nye, the EU has been a “tremendous success in terms of soft power” through its ability to influence its neighbouring

⁹⁵ John Ruggie, “Territoriality and Beyond: Problematizing Modernity in International Relations,” *International Organisation* 47 (1993): 139; James A. Caporaso, “The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?” *Journal of Common Market Studies* 34 (1996): 45.

⁹⁶ François Duchêne, “The European Community and the Uncertainties of Interdependence,” in *A Nation Writ Large? Foreign-Policy Problems before the European Community*, ed. Max Kohnstamm and Wolfgang Hager (London: Macmillan, 1973), 19.

⁹⁷ Duchêne, “The European Community,” 19-20.

⁹⁸ Hedley Bull, “Civilian Power Europe: A Contradiction in Terms,” in *The European Community – Past, Present & Future*, ed. Loukas Tsoukalis (Oxford: Blackwell, 1983).

⁹⁹ Ian Manners, “Normative Power Europe: A Contradiction in Terms?” *Journal of Common Market Studies* 40 (2002): 239.

¹⁰⁰ Christopher Hill, “European Foreign Policy: Power Bloc, Civilian Model – Or Flop?” in *The Evolution of an International Actor*, ed. Reinhart Rummel (Boulder: Westview Press, 1990); Christopher Hill, “The Capability-Expectations Gap, or Conceptualizing Europe’s International Role,” *Journal of Common Market Studies* 31 (1993): 312-13.

countries by its attractiveness.¹⁰¹ Referring to the question about the extent of the EU's influence on the behaviour of the South Caucasus countries, the scholar explained to the researcher:

When the Cold War ended there were many people using traditional models of international politics. ... The fact that the model of democracy, open markets [from] Brussels attracted the Central Europe to join the EU is a profound historical purpose and it remains a very important factor e.g. in the Balkans and in Turkey.¹⁰²

The EU identifies itself with liberal values and projects the same image across its borders. Civil society assistance is an essential part of the EU's soft power, which is touched upon in the fourth chapter. However, the EU also derives its power from being the largest trading partner with the neighbourhood. In Nye's words, beyond norms and values, free market and democracy are crucial for the countries in their aspiration to accede to the European community.¹⁰³ For Telò a soft power is insufficient to grasp the nature of the EU and the author develops a civilian power concept, which is different from a soft power and complements a hard power.¹⁰⁴ As a civilian power, the EU adopts the role of a peacebuilder in its south-eastern borders to mitigate instability across Europe's boundaries.¹⁰⁵ Without necessarily alluding to the concept of a soft power, Moravcsik also agrees that "power of attraction" is the most powerful foreign policy instrument of democratisation that European governments possess.¹⁰⁶ The EU has, indeed, asserted itself in the South Caucasus by using tools of enforcement in the maritime sector as the forthcoming chapter demonstrates.

Debates exist whether the EU has moved from being a normative and civilian power towards a military power. As Merlingen suggests, instead of being a post-sovereign normative power, military elements are now beginning to prevail in the EU's external policy.¹⁰⁷ The EU's power is now pursued with military components under the Common Security and Defence Policy (CSDP) previously European Security and Defence Policy (ESDP), as a major part of the CFSP, first developed in the Petersberg tasks by the Western European Union (WEU) in 1992.¹⁰⁸ Having launched its first military operation in the former Yugoslav Republic of Macedonia (EUFOR Concordia) in 2003, the EU is no longer a civilian power. Although the EU does not engage in enforcement operations and its military capabilities imply intervention not prevention, since its civilian policy instruments have been increasingly replaced by the military, it has changed the EU's

¹⁰¹ Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004).

¹⁰² Joseph S. Nye, "Soft Power and Public Diplomacy in the 21st Century," British Council Lecture, Video Record, London: House of Commons, 20 January 2010, Accessed 30-01-14, <http://www.vimeo.com/8913534>, 22:45.

¹⁰³ Interview 4.

¹⁰⁴ Mario Telò, *Europe: A Civilian Power? European Union, Global Governance, World Order* (New York: Palgrave, 2007).

¹⁰⁵ Telò, *Europe: A Civilian Power*, 59.

¹⁰⁶ Andrew Moravcsik, "Reassessing Legitimacy in the European Union," *Journal of Common Market Studies* 40 (2002): 619.

¹⁰⁷ Michael Merlingen, "Everything Is Dangerous: A Critique of 'Normative Power Europe'," *Security Dialogue* 38 (2007): 436.

¹⁰⁸ Petersberg Declaration, Council of Ministers, Bonn: Western European Union, 1992, Accessed 1-01-14, <http://www.weu.int/documents/920619peten.pdf>.

civilian power identity. According to Bono, an integration of civilian and military tools makes the EU as an autonomous entity both internally and externally.¹⁰⁹ However, according to Smith, the EU is unlikely to become a military power because national parliamentary oversight makes it difficult to engage militarily.¹¹⁰ Smith positions the EU between two types of civilian and military power by distinguishing between civilian non-military (economic policy and diplomacy) and civilian military instruments (use of armed forces).¹¹¹ The most appropriate role for the EU, as Maull suggests, is a combination of civilian force with a regional focus.¹¹² The EU refrains from engaging in enforcement operations because of its economic and political cooperation with regional partners.

Although the notion of the common foreign policy implies that the EU exercises power on the international stage, it misses the differing political and economic interests that the EU member states have. This research feeds into the heart of the nature of EU foreign policy, which is that, as a unitary actor, the EU behaves according to its normative basis with combined soft, civilian and military identities. However, its internal political fragmentation limits its effective engagement in its neighbourhood. This conclusion argues, in line with the realist and liberal intergovernmentalist perspective, that the preferences of the powerful member states shape the EU's common policy.

2.3. Realist and Liberal Intergovernmentalist Theoretical Framework

The most prominent theory, which has thus come to oppose the notion of the EU as a unitary actor, is the realist paradigm, notable neoclassical realism of EU foreign policy suggested by Posen, Hyde-Price, Mearsheimer, Taliaferro, Lobell, Ripsman. The thesis brings in liberal intergovernmentalist perspectives developed by Moravcsik, which provide a synthetic theoretical framing of EU member states' behaviour. By combining elements from neoclassical realist and liberal intergovernmentalist perspectives, discussed in the first section of this subchapter, this framework of explanation contends that during the intergovernmental coordination of national politics with supranational institutions, it is the preferences of the most powerful member states that shape EU foreign policy. Contrary to the liberal constructivist explanation, this framework argues that the EU's foreign policy does not reflect a common view of all members, but instead it adheres to the positions of those states, which influence the outcome of major intergovernmental negotiations explained in the second section.

¹⁰⁹ Giovanna Bono, "The EU's Military Doctrine: An Assessment," *International Peacekeeping* 11 (2004): 441.

¹¹⁰ Hazel Smith, *European Union Foreign Policy: What It Is and What It Does* (London: Pluto Press, 2002), 271.

¹¹¹ Smith, "Beyond the Civilian Power EU Debate," 64.

¹¹² Hanns Maull, "Europe and the New Balance of Global Order," *International Affairs* 81 (2005): 775-99.

2.3.1. Neoclassical Realist and LI Synthesis

The realist and liberal intergovernmentalist account is based on the assumption that the EU conducts its foreign policy in a state-like manner to implement the pragmatic national interests of the member states. This theoretical account lies in the spectrum of realist tradition developed by Thucydides, Niccolo Machiavelli, Thomas Hobbes, E. H. Carr, Hans Morgenthau, Reinhold Niebuhr, George F. Kennan, Kenneth Waltz, Stephen Walt, and Stephen D. Krasner.¹¹³ As this school of thought suggests, arguably, great powers instead of competition do not seek cooperation.

The starting point in classical realism maintains that the international system is anarchic in the absence of a superior power.¹¹⁴ Waltzian balance of power purports that under conditions of anarchy, states seek security and power maximisation.¹¹⁵ According to the structural realist account, the notion of power politics dominates in IR. Because of the salience of power in the structure of international relations, international law and norms are inherently limited, especially in national security. The reemergence of regional powers during the early Cold War demonstrated changes within the system in terms of polarity. To maintain bipolar balance, Kennan advocated for a containment policy by the US towards the Soviet Union.¹¹⁶ Among the realist scholars the conventional view now is that the bipolar international system of the Cold War order has been replaced with the unipolar world.¹¹⁷ The emergence of the European security and defence policy follows this realist logic of consequences. Although hard balancing of the US was advanced by the most powerful nuclear states of the EU, such as the UK and France, the EU's role in the geopolitical balance has been insignificant.

Another issue to be taken into consideration is the emerging European security complex that also contains regional powers such as Russia and Turkey.¹¹⁸ Despite the rise of Brazil, Russia, India, China and the South Africa, the so called BRICS countries, the major powers are unlikely to follow

¹¹³ Thucydides, *The Peloponnesian War*, ed. Richard Crawley (London: Dent, 1910); Niccolo Machiavelli, *The Prince*, ed. George Bull (New York: Penguin, 1961); Thomas Hobbes, *Leviathan*, eds. G.A.J. Rogers and Karl Schuhmann (Bristol: Thoemmes, 2003); E.H. Carr, *The Twenty Year's Crisis 1919 – 1939* (London: Macmillan, 1951); Hans Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (New York: Knopf, 1978); Reinhold Niebuhr, *Moral Man and Immoral Society: A Study of Ethics and Politics* (New York: Scriber, 1932); George F. Kennan, *American Diplomacy 1900-1950* (Chicago: University of Chicago Press, 1951); Kenneth Waltz, "Structural Realism after the Cold War," *International Security* 25 (2000): 5-41; Stephen Walt, *The Origins of Alliances* (Ithaca: Cornell University Press, 1987); Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

¹¹⁴ Morgenthau, *Politics among Nations*, 4.

¹¹⁵ Waltz, "Structural Realism after the Cold War," 5.

¹¹⁶ Kennan, *American Diplomacy 1900-1950*, 119.

¹¹⁷ Posen, "European Union Security and Defense Policy," 155; Posen, "European Union Security and Defense Policy."

¹¹⁸ Interview 31.

multipolar policy practice.¹¹⁹ Hence, Hyde-Price predicts that the EU will be able to balance the US by acquiring a security dimension in the form of the CFSP.¹²⁰ Realist scholars accentuate the regional importance of the South Caucasus. Hyde-Price observes that the point of convergence for the EU, the US and Russia is the South Caucasus.¹²¹ Jan Hallenberg and Håkan Karlsson agree that EU diplomacy is entangled in a “strategic triangle” on the transatlantic level.¹²² Since the 1990s, the realist paradigm has predicted intra-European conflict. In view of these changes, the realist perspectives make four assumptions about the EUFP: a) the EU seeks to increase its presence in its eastern neighbourhood to balance Russia; b) the EU tries to establish itself as a regional power to decrease its dependence on the US; c) the EU creates several balances of force with minor regional powers, such as Turkey, and views the South Caucasus as a platform to extend its presence in Central Asia; d) the EUFP remains in discretion of the member states which are unlikely to pass their competencies to supranational bodies.

Within the realist school of thought, two perspectives of offensive and defensive realism, transcending their dichotomy, explain the great power behaviour. These perspectives argue that since power maximisation of the states is embedded in the international system the world is not destined to peace. Offensive realism, focusing on theory of great power politics maintains that the international system always generates incentives for expansion. Mearsheimer derives five assumptions regarding the system: first, anarchic nature of international system; second, inherent possession of military capabilities; third, uncertainty of intentions; fourth, survival and security as primary objectives; fifth, great powers attempt to prevent wars.¹²³ In contrast with the liberal intergovernmentalist thought, where cooperation prevails irrespective of states’ interests, offensive realism sees self-interest of nation-states as motivating their behavior.¹²⁴ In offensive realist critique, Taliaferro argues that the international system provides incentives for expansion only under certain conditions; and states often seek to expand because their leaders perceive aggression as the only way of security.¹²⁵ Discussing the offensive-defensive dichotomy, the author observes that distinction between neorealism and neoclassical realism transcends the intra-realist debate, with the first explaining international outcomes, and the second foreign policy strategies. Within this

¹¹⁹ S. Neil MacFarlane, “The ‘R’ in BRICs: Is Russia an Emerging Power?” *International Affairs*, 82 (2006): 41-58.

¹²⁰ Hyde-Price, “‘Normative’ Power Europe: A Realist Critique,” 230; Adrian Hyde-Price, *European Security in the Twenty-First Century: The Challenge of Multipolarity* (England: Routledge, 2007); Adrian Hyde-Price, “A ‘Tragic Actor’? A Realist Perspective on ‘Ethical Power Europe’,” *International Affairs* 84 (2008): 29-44; Adrian Hyde-Price, “European Security, Strategic Culture, and the Use of Force,” *European Security* 13 (2004): 323-43.

¹²¹ Hyde-Price, *European Security in the Twenty-First Century*, 55.

¹²² Jan Hallenberg and Håkan Karlsson, “A New Strategic Triangle: Defining Changing Transatlantic Security Relations,” in *Changing Transatlantic Security Relations: Do the US, the EU and Russia Form a New Strategic Triangle?* eds. Jan Hallenberg and Håkan Karlsson (London: Routledge, 2006), 2.

¹²³ Mearsheimer, *The Tragedy of Great Power Politics*, 29-31.

¹²⁴ *Ibid.*, 49.

¹²⁵ Taliaferro, “Security Seeking Under Anarchy: Defensive Realism Revisited,” 129.

spectrum, neoclassical realism merits particular attention. Neoclassical realist approach as an emerging school of foreign policy theories, seeks to explain grand strategies of behaviour of individual states. As Lobell, Ripsman and Taliaferro argue, the actual diplomatic, military, and foreign economic policies that the states *and* institutions are likely to pursue, depend to a greater degree on the perceptions of the leaders.¹²⁶ As the next section explains, this approach bridges liberal intergovernmental view of national preference formation of the EU member states.

2.3.2. LI Perspective on Preferences

Liberal intergovernmentalism (LI) as a political theory, as well as a baseline theory of European integration and regional integration rooted in IR, explains outputs of the EU actions. Andrew Moravcsik and Frank Schimmelfennig suggest that the theoretical soundness of this “grand theory” rests in its utility for synthesis with other explanations.¹²⁷ LI purports that not only the values and norms that the EU closely draws on, but also the collective preferences of the member states explain the outcome of the major intergovernmental negotiations including their common positions on foreign policy achieved with international bargaining.

Central to the liberal theory are the national interests of the states, with different socio-economic links, values, social coalitions and institutions that determine states’ preferences. By state preferences is meant, as Moravcsik put it, “fundamental social purposes underlying the strategic calculations of governments.”¹²⁸ Moravcsik takes a sequential approach to analyse three elements of LI: a) an assumption about rational behaviour, b) a liberal theory of national preference formation, and c) an intergovernmental analysis of interstate negotiations.¹²⁹ Intergovernmental analysis regards states as rational actors. Governments constrained at home by domestic pressures, and abroad by a strategic environment, calculate and choose utility of alternative actions that maximises their utility. National preferences of the states rarely converge, as they are driven by geopolitical ideas as well as the economic interests of the states.¹³⁰ The liberal theory of preference formation purports that domestic pressures on the states shapes their objectives and preferences. John Peterson agrees with Moravcsik on the argument that domestic economic preferences determine choices of national elites when bargains are subjected to influence.¹³¹ To explain the outcomes of international

¹²⁶ Lobell, Ripsman and Taliaferro, (eds.) *Neoclassical Realism, The State and Foreign Policy*.

¹²⁷ Andrew Moravcsik and Frank Schimmelfennig, “Liberal Intergovernmentalism,” in *European Integrations Theory*, eds. Antje Wiener and Thomas Diez (New York: Campus, 2009), 67.

¹²⁸ Andrew Moravcsik, “Taking Preferences Seriously: A Liberal Theory of International Politics,” *International Organization* 51 (1997): 513.

¹²⁹ Moravcsik, “Preferences and Power in the European Community,” 474.

¹³⁰ Moravcsik and Schimmelfennig, “Liberal Intergovernmentalism,” 70.

¹³¹ John Peterson, “The Choice for EU Theorists: Establishing a Common Framework for Analysis,” *European Journal of Political Research* 39 (2001), 295.

negotiations with differing preferences, LI draws on a bargaining theory of international cooperation. It is the intensity of the states' preferences that shapes behaviour and the outcome of bargaining, but states will still seek to achieve cooperation for mutual benefits.

In view of the four expectations predicted above, Moravcsik challenges the opinion about Europe's declining global influence and argues that it remains the only superpower after the US in a bipolar system next to other major powers, such as China and India.¹³² By adopting this view, liberal analysis, with the exception of according equal importance to the EU, shares the core tenets of the contemporary worldview with those of the realist account. Moravcsik corroborates that Europe, while exerting influence across the spectrum from "soft", "hard," "smart" and "quiet superpower," remains a civilian power with comparative advantages by using economic and civilian instruments.¹³³ According to Moravcsik's assessment, after the Balkans, the security threats closest to the European continent are in the Caucasus, and negotiating a ceasefire in Georgia is considered to have been successfully accomplished by European governments.¹³⁴ Even though eventually the EU had a common output of action, two levels of divergence occurred before the states agreed on their engagement, both between some old and new member states as well as among some old member states. The compromise on engagement, may be viewed as a product of a normative convergence, yet dichotomy among the member states requires substantial examination.

The decisive factor in EU mediation in 2008 was a result of common decision of the EU member states, despite divergences among them, caused by their preferences consequent of their historical experience with Russia. This decision overrode other factors, such as economic interdependence between the member states with Russia. The EU took a common position towards Russia, despite the fact that Russia comprises over 60% of the EU's energy consumption,¹³⁵ and EU trade accounts for 40% of external trade in Russia.¹³⁶ Contrary to a widespread view,¹³⁷ there was no significant corresponding level of support among the states for the EU's mediation and economic

¹³² Andrew Moravcsik, "Europe: The Quiet Superpower," *French Politics* 7 (2009): 403-22.

¹³³ Andrew Moravcsik, "Europe: Rising Power in a Bipolar World," in: *Rising States, Rising Institutions: Challenges for Global Governance*, eds. Alan Alexandroff and Andrew Cooper (Washington: Brookings Institution Press, 2010), 152-57.

¹³⁴ Moravcsik, "Europe: Rising Power," 410-16.

¹³⁵ Fraser Cameron, "The Politics of EU-Russia Energy Relations," *EU-Russia Centre Review* 9 (2009): 20.

¹³⁶ Allen C. Lynch, "The Evolution of Russian Foreign Policy in the 1990s," in *Russia after Communism*, eds. Rick Fawn and Stephen White (London: Frank Cass, 2002), 172.

¹³⁷ Stephen White, Margot Light and John Löwenhardt, "Russia and the Dual Expansion of Europe," in *Russia Between East and West: Russian Foreign Policy on the Threshold of the Twenty-First Century*, ed. Gabriel Gorodetsky (London: Cass, 2003), 61; Fillipos Proedrou, "The EU-Russia Energy Approach under the Prism of Interdependence," *European Security* 16 (2007): 330; Caroline Kuzemko, "Ideas, Power and Change: Explaining EU-Russia Energy Relations," *Journal of European Public Policy* 21 (2014): 58-75; Ali Tekin and Paul Andrew Williams, *Geo-Politics of the Euro-Asia Energy Nexus: The European Union, Russia and Turkey* (England: MacMillan, 2011), 14; Ariel Cohen, "Europe's Strategic Dependence on Russian Energy," *Backgrounder* No 2083, Heritage Foundation, 2007, 2.

interdependence between EU member states and Russia. Notably, the Baltic states and the UK were supportive of EU mediation, even though gas imports from Russia to the Baltics constituted 100% of consumption, Hungary 80%, Czech Republic 77.9%, Poland 72.6%, and in contrast, 41.2% in the UK in 2008.¹³⁸ These figures demonstrate that interdependence was not the major factor determining the preferences of the member states in 2008. Although Russia and the member states have a significant economic partnership and interdependent energy relations, the most energy-dependent countries of the EU took a firmer approach towards Russia. In contrast, security-related challenges emanating from Russia were of essential concern for the new member states. Those challenges, were generally interpreted by policy makers differently. The Eastern bloc countries had reason for sympathy towards Georgia, given their experience of the Soviet military campaigns in Poland in 1939, the Baltic states in 1940, Hungary in 1956, and Czechoslovakia in 1968. Germany despite historical animosity with Russia, did not interpret Russian actions with potential repercussions to Western Europe.

Different preferences, as a central causal factor, falls within the broader theoretical framework of the IR theory of a neoclassical realist and liberal intergovernmentalist framework of explanation. Supranational decision-making is subordinate to intergovernmental bargaining based on preferences and national interests which differ. By transposing this view onto the EU foreign policy, it can be seen that these interests vary from national economic interests to political interests, dictated by different perceptions.

The EU sees itself as a normative project uniting European states and exporting its values to its neighbourhood. This said, it must be acknowledged that the states have various political and economic considerations. EU foreign policy making understandably mirrors interests of its member states.¹³⁹ They remain reluctant to move the decision-making authority on foreign and security policy to supranational institutions.¹⁴⁰ Taken together, although the EU is meant to be a unitary actor, divergence between the member states, such as that which took place during the crisis in Georgia, shows the opposite.

¹³⁸ Europe's Energy Portal, Energy Dependency: Energy Consumption by EU Member States, Their Net Imports Dependence Rate in 2008, 2010, Accessed 24-01-10, <http://www.energy.eu/#dependency>.

¹³⁹ Karen E. Smith, *European Union Foreign Policy*, 18.

¹⁴⁰ Daniel C. Thomas, "Explaining EU Foreign Policy: Normative Institutionalism and Alternative Approaches," in *Making EU Foreign Policy: National Preference, European Norms and Common Policies*, ed. Daniel C. Thomas (Basingstoke: Palgrave, 2011), 11.

2.4. EU's Neighbourhood Policy in the South Caucasus¹⁴¹

A wide range of literature on EU foreign policy suggests that the EU is a significant global actor, yet another part of literature emphasises the EU's institutional deficiencies with regard to a conflict resolution strategy. Authors agree that, without a strategy, the EU has been unable to pursue conflict resolution in the neighbouring South Caucasus. The role of the EU as a political actor in the international system is the subject of debate. According to Charlotte Bretherton and John Volger, the fundamental purpose of the EU is to take a common European stance on the global stage.¹⁴² Merlingen observes that EU security policy and external reasons push the EU to be a global actor.¹⁴³ Within the EU's multilayered system of national foreign policies, and supranational foreign policy, the CSDP as an intergovernmental policy underpins the capacity of the EU to conduct military and civilian operations based on consensus decision-making. Reuben Wong and Christopher Hill hold that, although the primary focus of the CFSP is intergovernmental, a number of the EU's external actions involve the Council and Community method with prevalent national policies.¹⁴⁴ Preventing conflicts, as the Council states, is a "primary objective of the EU's external action."¹⁴⁵ S. Neil MacFarlane refers to the EU's growing capacity of the EU for conflict management in all dimensions of response.¹⁴⁶ Kronenberger and Wouters consider that the successes the EU has had in preventing crises within its borders supports the idea that the EU can manage conflicts outside the European area.¹⁴⁷ Richard Whitman and Stefan Wolff, however, consider that the EU faces challenges in materialising its objectives for an institutionalised global conflict management strategy.¹⁴⁸ To be a global conflict manager, the EU needs to adopt an "enlarged comprehensive strategy"¹⁴⁹ that combines external action instruments with the institutions and capabilities of the member states.

¹⁴¹ This subchapter was first presented at the Annual Scientific International Conference with the Georgian Technical University in 2011, see: Nino Kereselidze, "The European Neighbourhood Policy in the South Caucasus," Georgian Technical University, Open Diplomacy Association, *Authority and Society: History, Theory, Practice* 2 (2013): 5-16.

¹⁴² Charlotte Bretherton and John Volger, *The European Union as a Global Actor* (London: Routledge, 2003).

¹⁴³ Michael Merlingen, *EU Security Policy: What It Is, How it Works, Why it Matters* (Boulder: Lynne Rienner, 2009).

¹⁴⁴ Reuben Wong and Christopher Hill, "Many Actors One Path? The Meaning of Europeanization in the Context of Foreign Policy," in *National and European Foreign Policies: Towards Europeanization*, eds. Reuben Wong and Christopher Hill (Oxon: Routledge, 2011).

¹⁴⁵ Council of the European Union, Conclusions, "The European Union as a Global Conflict Manager," Foreign Affairs 3101st Council Meeting, 11824/11, Luxembourg, 2011, Accessed 1-03-13, http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122937.pdf, 26.

¹⁴⁶ S. Neil MacFarlane, "Regional Organizations and Global Security Governance," in *International Organization and Global Governance*, eds. Thomas Weiss and Rorden Wilkinson (Abingdon: Routledge, 2014), 434.

¹⁴⁷ Vincent Kronenberger and Jan Wouters, (eds.) *European Union and Conflict Prevention: Policy and Legal Aspects* (The Hague: Asser Press, 2004).

¹⁴⁸ Whitman and Wolff, "The Limits of EU Conflict Management in the Case of Abkhazia and South Ossetia," in *The European Union as a Global Conflict Manager*, eds. Richard Whitman and Stefan Wolff (London: Routledge, 2012), 2.

¹⁴⁹ Nino Kereselidze, Review of *The European Union as a Global Conflict Manager*, by Richard Whitman and Stefan Wolff, (eds.) (London: Routledge, 2012), *International Journal* 69 (2014): 126.

The EU is made up of 28 member states with multiple foreign policy agendas, yet it acts as a unified actor. Writing about the EU as an international actor, Hill identified a “capability-expectations gap” between the stated and delivered objectives of the EC/EU, which had three components: the EC’s ability to reach agreement, the availability of resources and instruments.¹⁵⁰ The difficulty to agree on its engagement in the crisis in Georgia showed the gap between consensus and expectations. Fraser Cameron notes that the EU does possess the necessary instruments, but is unable to deliver assertive policies because of the difficulty in achieving consensus.¹⁵¹ Those authors who think that the EU is a powerful international actor, are inclined to believe that a territorially enlarged EU cannot remain disinterested in its immediate neighbourhood. As Roland Dannreuther writes, the EU can no longer subordinate its policy to other external powers, such as Russia reasserting its claims in its neighbourhood.¹⁵² An absence of EU strategy towards the region and the inability to sustain engagement is often raised in the literature.

The EU does not have a clear strategy towards the South Caucasus as a whole. Macfarlane argues that EU strategy towards the Caucasus and Central Asia region does not exist, because of the absence of coherence in the relationship between the means and objectives of the EU towards the region.¹⁵³ On conflict resolution, the author refers to the weakness of interests of the EU and the major Western European powers in this region.¹⁵⁴ Even though the EU accounted for 70% of foreign trade in the South Caucasus, it has not remained a major player in the region.¹⁵⁵ The EU’s limited political determination, despite security-related interests, as the cause of a weak strategy for conflict mediation is an often emerging argument.¹⁵⁶ Unlike the scholars who consider that the EU’s capacity is limited, Michael Merlingen, Manuel Mireanu and Elena Stavrevska maintain that new borders have created more incentives for the EU to Europeanise its neighbourhood. Michael Merlingen and Rasa Ostrauskaitė, add that the EU has no strategy in the South Caucasus nor in the

¹⁵⁰ Christopher Hill, “The Capability-Expectations Gap, or Conceptualizing Europe’s International Role,” *Journal of Common Market Studies* 31 (1993): 315.

¹⁵¹ Fraser Cameron, *The Foreign and Security Policy of the European Union: Past, Present and Future* (England: Sheffield Academic Press, 1999), 14.

¹⁵² Roland Dannreuther, “Developing the Alternative to Enlargement: The European Neighbourhood Policy,” *European Foreign Affairs Review* 11 (2006): 83-201; Roland Dannreuther, “European Neighbourhood Policy – Selling the Brand Strategically,” *Studia Diplomatica* 61 (2008): 48, 56.

¹⁵³ S. Neil MacFarlane, “The Caucasus and Central Asia: Towards a Non-Strategy,” in *European Union Foreign and Security Policy: Towards Neighbourhood Strategy*, ed. Roland Dannreuther (London: Routledge, 2004).

¹⁵⁴ S. Neil MacFarlane, “Frozen Conflicts in the Former Soviet Union – The Case of Georgia/South Ossetia,” in *OSCE Yearbook* (Hamburg: CORE, 2008), 24.

¹⁵⁵ Fawn, “Security in the South Caucasus,” 3.

¹⁵⁶ Tracey German, “Visibly Invisible: EU Engagement in Conflict Resolution in the South Caucasus,” *European Security* 16 (2007): 357-74; Ulrike Gruska, “Separatismus in Georgien Möglichkeiten und Grenzen friedlicher Konfliktregelung am Beispiel Abchasien,” Arbeitspapier No 1 (Hamburg: Universität Hamburg, 2005), Accessed 5-04-14, http://www.wiso.uni-hamburg.de/fileadmin/sowi/akuf/Text_2010/Separatismus-Gruska-2005.pdf, (in German), 35.

post-Soviet space as a whole.¹⁵⁷ Conflicting roles of the EU as a neutral peacebuilder and a politically engaged mediator affected the EU's performance in conflict management in Georgia. As Nicu Popescu put it, the EU faces dilemmas about its engagement and its relations with Russia.¹⁵⁸ Despite seemingly increased interaction, the EU policy towards conflict resolution in the South Caucasus remains limited.

2.5. EU External Governance in Transport

The debate over EU foreign policy has to date focused on conflict resolution. There is only limited literature relating to EU policy in sectoral areas of cooperation with its neighbourhood. The consistency within the EU's foreign policy cannot be determined without studying other aspects of its policy, such as transport. Studies about EU governance have limited themselves discussing two aspects: transport governance within the EU, and external governance of the EU with third countries. Whilst the EU extended its governance to the eastern neighbourhood by harmonising legislation in transport with its eastern neighbours, creating a common transport area, establishing transport networks and connecting the South Caucasus and Central Asia with transit routes through TRACECA. The topic of external governance of the EU in transport remains underanalysed in the academic literature.

Literature that mentions EU policy on transport looks at transport governance within the EU from the 1980s. Incepted in the Treaty of Rome as a common transport policy, the institutionalisation of transport networks for a wider European integration started with the single market within the EC/EU under the Single European Act (1986).¹⁵⁹ This literature primarily covers the EU transport *acquis*.¹⁶⁰ As John Volger notes, transport policy has developed slowly, but with the increasing international commitments of the EU member states, it was no longer possible to contain this policy within the boundaries of the common market.¹⁶¹ According to David Phinnemore and Lee

¹⁵⁷ Michael Merlingen, Manuel Mireanu and Elena Stavrevska, "The Current State of European Security," in *OSCE-Yearbook 2008: Yearbook on the Organization for Security and Co-operation in Europe (OSCE)*, ed. Institute for Peace Research and Security Policy, University of Hamburg (Baden-Baden: Nomos, 2008), 93; Michael Merlingen and Rasa Ostrauskaitė, "EU Peacebuilding in Georgia: Limits and Achievements," in *The European Union and Peacebuilding: Policy and Legal Aspects*, eds. Steven Blockmans et al. (The Hague: Asser, 2010), 282.

¹⁵⁸ Popescu, "Europe's Unrecognised Neighbours."

¹⁵⁹ Single European Act, Luxembourg, 1986, *Official Journal of the European Communities* L 169 1987, Accessed 1-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1987:169:0001:0019:EN:PDF>.

¹⁶⁰ Handley Stevens, *Transport Policy in the European Union* (London: Palgrave, 2004); Michael Kaeding, "Lost in Translation or Full Steam Ahead: The Transposition of EU Transport Directives across Member States," *European Union Politics* 9 (2008): 115-43; Bernard Steunenberg, "Turning Swift Policymaking into Deadlock and Delay: National Policy Coordination and the Transposition of EU Directives," *European Union Politics* 7 (2006): 293-319.

¹⁶¹ John Volger, "The Challenge of Environment, Energy and Climate Change," in *International Relations and the European Union*, eds. Christopher Hill and Michael Smith (Oxford: Oxford University Press, 2011), 353.

McGowan, slow progress in a common transport policy was conditioned by member states' interests in road haulage licenses, customs documents, subsidies for railways and shipping, and protection of national airlines.¹⁶² Although after the Court of Justice (ECJ) recommended liberalising international transport in 1983, until 1990s there were still no changes in the institutionalisation of CTP.¹⁶³ Liesbet Hooghe and Gary Marks note that the Commission continues to take the lead in international obligations to negotiate with neighbourhood countries on economic cooperation with the EU in transport, energy and fisheries policies.¹⁶⁴ Mark Aspinwall observes that whilst CTP has long been in existence as an inextricable part of European integration, a governance system in transport has emerged only recently.¹⁶⁵ Literature has not dealt with neither CTP or transport governance as applied to the EU's neighbourhood.

Studies on EU governance suggest a general analysis of external governance of the EU with the third countries. Frank Schimmelfennig and Ulrich Sedelmeier observe that the growing intensity of EU relations with its neighbourhood has prompted the EU to devise policy strategies towards potential membership candidate countries.¹⁶⁶ An analysis by Sandra Lavenex and Frank Schimmelfennig, that captures the expansion of EU rules beyond its borders, is the first study that systematically assesses the ENP in the scope of rule transfer by using the concept of external governance as a form of integration of third countries that are below the threshold of membership into European rules.¹⁶⁷ Building on this study, Sandra Lavenex, Dirk Lehmkuhl and Nicole Wichmann examine several sectors of EU external governance, including transport, with a sole focus on aviation policy to the ENP countries, and identify that modes of such governance follow sectoral dynamics, which are stable across the ENP countries.¹⁶⁸ Only a few studies have focused on rule transfer in the EaP countries,¹⁶⁹ but none seems so far to have tried to apply an external governance framework in transport towards the South Caucasus.

¹⁶² David Phinnemore and Lee McGowan, *A Dictionary of the European Union* (London: Routledge, 2013), 456.

¹⁶³ Phinnemore and McGowan, *A Dictionary of the European Union*, 456.

¹⁶⁴ Liesbet Hooghe and Gary Marks, *Multilevel Governance and European Integration* (Oxford: Rowman, 2001), 13.

¹⁶⁵ Mark Aspinwall, "Planes, Trains and Automobiles: Transport Governance in the European Union," in *The Transformation of Governance in the European Union*, eds. Beate Kohler-Koch and Rainer Eising (New York: Routledge, 1999), 120.

¹⁶⁶ Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe," *Journal of European Public Policy* 11 (2004): 661-79.

¹⁶⁷ Sandra Lavenex and Frank Schimmelfennig, "EU Rules beyond EU Borders: Theorizing External Governance in European Politics," *Journal of European Public Policy* 16 (2009): 791.

¹⁶⁸ Sandra Lavenex, Dirk Lehmkuhl and Nicole Wichmann, "Modes of External Governance: A Cross-National and Cross-sectoral Comparison," in *EU External Governance: Projecting EU Rules Beyond Membership*, eds. Sandra Lavenex and Frank Schimmelfennig (London: Routledge, 2010), 39.

¹⁶⁹ Christian Hagemann, "External Governance on the Terms of the Partner? The EU, Russia and the Republic of Moldova in the European Neighbourhood Policy," *European Integration* 35 (2013): 767-83; Giselle Bosse, "Challenges for EU Governance through Neighbourhood Policy and Eastern Partnership: The Values/Security Nexus in EU-Belarus Relations," *Contemporary Politics* 15 (2009): 215-27.

An important concept of the Trans European Network – Transport (TEN-T) introduced by the Maastricht Treaty created basis for common transport area beyond the EU's borders. With TEN-T, the EU intended to restructure national transport networks into a single market, to build a transport infrastructure network for Europe, and to extend the TEN-T to accession countries. Declaring that “[a]n integrated transport system between the EU and its neighbours is vital to further integration,” the Commission attributed importance to close transport cooperation among the EU member states and the ENP partners to extend with five major TEN-T axes.¹⁷⁰ Katri Pynnöniemi has recently identified cooperation between the EU and Russia in transport and infrastructure networks with two Northern and Central axes connecting the EU and Russia.¹⁷¹ Christian Kaunert and Sarah Léonard also mention support from Germany and France for such cooperation with Russia without further elaboration on the specificities of this policy.¹⁷² Reiterating support to transport and infrastructure, European Parliament resolutions single out three corridors connecting the Black Sea and Caspian Sea regions having potential for diversifying supplies and routes: Trans-Caspian energy corridor, TRACECA, and Interstate Oil and Gas Transport to Europe (INOGATE).¹⁷³ External governance framework in transport towards the South Caucasus can apply to transport network and transport corridor that lie at the heart of external economic relations between the EU and the region.

After devising its neighbourhood policy in the 2000s, transport was one of the areas where the EU decided to introduce mutually beneficial cooperation with its eastern neighbourhood. To achieve its political objectives, the EU needed to master the instrument of economic statecraft as a foreign policy tool.¹⁷⁴ Economic relationships motivated this behaviour towards the neighbouring countries. A prime example of such statecraft was sharing expertise and technical assistance programmes with those countries. Security-related interests in the EU's neighbourhood are also seen to have determined the acceleration of the EU's external transport policy. According to Bastian Giegerich and William Wallace, EU external policy regarding transport gathered momentum after the Capabilities Conference in 2000, which identified the necessity for the overseas missions to

¹⁷⁰ Commission of the European Communities, Communication from the Commission, “A Strong European Neighbourhood Policy,” COM (2007) 774, Brussels, 2007, Accessed 24-10-14, <http://ec.europa.eu/transparency/regdoc/rep/1/2007/EN/1-2007-774-EN-F1-1.Pdf>.

¹⁷¹ Katri Pynnöniemi, “EU Russian Cooperation on Transport: Prospects and the Northern Dimension Transport Partnership,” in *The New Northern Dimension of the European Neighbourhood*, eds. Pami Aalto, Helge Blakkisrud and Hanna Smith (Brussels: CEPS, 2008), 111.

¹⁷² Christian Kaunert and Sarah Léonard, *European Security Governance and the European Neighbourhood after the Lisbon Treaty* (London: Routledge, 2012), 104

¹⁷³ European Parliament, Resolution on a More Effective EU policy for the South Caucasus, P6 TA (2008) 0016, 17 January 2008, Strasbourg, Accessed 23-10-14, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0016+0+DOC+XML+V0//EN>.

¹⁷⁴ Michael Mastanduno, “Economic Statecraft,” in *Foreign Policy: Theories, Actors and Cases*, eds. Steve Smith, Amelia Hadfield and Tim Dunne (Oxford: Oxford University Press, 2012), 204.

improve strategic transport in order to strengthen European military capabilities.¹⁷⁵ Yet economic interests have been central to the EU's transport policy. The priority of EU policy in the South Caucasus and Central Asian countries, which has economic importance for the European markets with their location and natural resources, is to maintain stability and create conditions for implementing transport and energy policies.¹⁷⁶ The EU had expected that, by moving to a common rewarding goal, the South Caucasus countries, besides the sectoral benefits, would engage in a certain level of cooperation. Whilst such cooperation did not necessarily contribute to conflict resolution, it visibly aligned Georgia in legal practices with the EU. This will be analysed in the next chapter.

This chapter reviewed current major scholarship on EU foreign policy. The EU neighbourhood policy is based on the liberal standpoint that interaction between EU member states and its neighbouring countries results in a common understanding. The EU sees itself as a normative power that reaches convergence within the member states and, likewise, convergences outside its borders with its neighbours. Perspectives on normative, soft, civilian, and military power Europe describe the conduct of the EU in its neighbourhood. Although the EU declares that it acts with its normative basis, empirical investigation using realist and liberal intergovernmentalist approaches shows that preferences of the member states limit the EU's common position on engagement in its neighbourhood in terms of conflict resolution policy. Analysis of another aspect of its policy, EU external governance in transport towards the South Caucasus, remains scarce.

¹⁷⁵ Bastian Giegerich and William Wallace, "Not Such a Soft Power: The External Deployment of European Forces," *Survival* 46 (2004): 174.

¹⁷⁶ Rovshan Ibrahimov, *EU External Policy towards the South Caucasus: How Far Is It from Realization* (Baku: SAM, 2013), 172.

Chapter 3. EU Foreign Policy on Transport towards the South Caucasus

This chapter makes the argument that the key determinants of the EU's common policy coherence with its eastern neighbourhood are legislative alignment and a common transport area. For the purpose of the argument, this work examines EU policy towards the South Caucasus divided in three phases: 1) since the inception of the EU in 1992 until 2004 when the EU included the South Caucasus in the ENP, 2) from 2004 to 2008, the year of the EU's mediation, 3) from 2008 to 2014 when the EU concluded an association agreement with Georgia. Across these phases, the EU coherently developed sectoral cooperation in transport in two stages: 1) in 1993-2009 when the EU established the TRACECA programme and utilised the EaP mechanism for transport policy, and 2) in 2009-2014 when the EU elaborated transport provisions in the AA.

This chapter extends the existing ideas about the significance of EU transport policy towards the South Caucasus. The first subchapter examines the EU's neighbourhood policy regarding transport. Policy coherence is illustrated in the first section with the evolution of EU policy in its treaties and PCA agreements, and in the second section by EaP mechanisms as applied to the South Caucasus. The third section shows the significance of the AA for transport policy. The second subchapter analyses particular factors that enhance EU policy: (i) legislative alignment, (ii) common area, and (iii) restrictive measures for institutional reforms. The next section investigates the unexplored topic of maritime entry in Abkhazia that the EU has not considered in the prism of engagement without recognition. The third subchapter argues that corridor development with the TRACECA programme shows the coherence of EU's transport policy. The same subchapter discusses EU's energy diversification through the South Caucasus. The final section notes that EU maritime transport policy is reinforced with the IMO. The lesson that can be drawn from the case of Georgia is the overriding importance of those three factors applicable to other South Caucasus countries.

3.1. Transport Policy as an Example of EU's Coherent Policy¹⁷⁷

This subchapter overviews transport relations between the EU and the South Caucasus countries from 1993. EU foreign policy with these Armenia, Azerbaijan and Georgia is conducted by aligning them with the EU rules and regulation, and economic and political institutions translated into policy instruments, such as partnership, association, free trade, and visa facilitation agreements. The

¹⁷⁷ The author thanks panel members of the Postgraduate Conference for their comments on the early draft of this subchapter presented at the University of Nottingham in 2013, see: Nino Kereselidze, "The Foreign Policy of the European Union in the South Caucasus," Paper presented at Postgraduate Conference "Politics in Crisis?" University of Nottingham, United Kingdom, 27 April 2013.

second section examines the EU's approach to transport with its eastern borderlands using the EaP mechanism. The third section analyses the significance of association agreements for transport policy in the South Caucasus concluding that the EU has succeeded in creating an integrated transit system with the region. It also briefly mentions an overlooked issue of a nuclear power plant that has dominated security-related agenda between the EU and Armenia.

3.1.1. Transport in the EU Treaties

EU policy regarding transport towards its neighbourhood established in the EU treaties remains underanalysed. Transport as an objective towards the EU neighbourhood was first identified in the TFEU Treaty noting that “[T]he Union may decide to cooperate with third countries to promote projects of mutual interest and to ensure the interoperability of networks.”¹⁷⁸ Under Title VI on Transport, the treaty provides for the objectives of the Union to be pursued in the framework of a common transport policy in rail, road and inland waterway.¹⁷⁹ When the TL came into force, the EU committed to a special relationship with its neighbouring countries by extending sectoral cooperation.¹⁸⁰ The EU became clearer about its aim to ensure compatibility of the EU legislation, standards and technical characteristics in transport with those of its major trade partners in the neighbourhood.¹⁸¹ Bilateral PCA agreements with Armenia, Azerbaijan and Georgia signed in 1996 created the basis for transport cooperation between the EU and these countries. Title II of the PCA with Georgia states that the EU supports political and economic changes as a novel form of cooperation.¹⁸² Transport cooperation was strengthened with Georgia after signing the AA.¹⁸³ Chapter 1 on Transport under Title VI solidifies the basis for EU transport policy in Georgia “to enhance the main transport links” between the EU member states and Georgia.¹⁸⁴ By strengthening transport links, the EU instills political association and economic integration with Georgia.

EU foreign policy towards the South Caucasus in the 1990s was somewhat timid. The EU established its delegations in Armenia, Azerbaijan and Georgia in 1992. Out of the ten bilateral agreements that the EU concluded with the countries of Eastern Europe, the South Caucasus, Central Asia, and Russia, the PCAs with Armenia, Azerbaijan and Georgia created the framework

¹⁷⁸ Treaty on the Functioning of the European Union, Art. 171, Para. 3.

¹⁷⁹ Ibid., Arts. 90-100.

¹⁸⁰ Treaty of Lisbon, Art. 7a, Para. 3.

¹⁸¹ Commission of the European Communities, Communication from the Commission to the Council and the Parliament, “Extension of the Major Trans-European Transport Axes to the Neighbouring Countries,” COM (2007) 32, Brussels, 2007, Accessed 9-03-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0032:FIN:EN:PDF>.

¹⁸² Partnership and Cooperation Agreement between the European Communities and Georgia, Art. 5, Para. 1.

¹⁸³ See Appendix 3.

¹⁸⁴ AA between the EU and Georgia, Art. 292 (c).

for political dialogue and economic relations. Among the three institutions, Cooperation Council, Parliamentary Cooperation Committee, and Cooperation Committee, that the PCAs set up, the subcommittee of energy and transport was tasked with dialogues of mutual interests within the last.

Adding ENP to its foreign policy, the EU widened its engagement with its eastern neighbourhood. Emblematic was the inclusion of Georgia, Armenia and Azerbaijan in the ENP in 2004.¹⁸⁵ After the ENP Action Plan, two important documents that the EU concluded with Georgia¹⁸⁶ were visa facilitation and readmission agreements.¹⁸⁷ To encourage regional cooperation, the EU proposed the Black Sea Synergy (BSS).¹⁸⁸ Another regional platform for “greater political association and economic integration” was the EaP with Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, which was initiated by the Swedish and Polish proposal under the French presidency in 2008.¹⁸⁹ The head of department for Eastern Europe and Central Asia at the foreign office in Sweden in 2008 recalled, that the EaP was also envisaged as a peacekeeping tool.¹⁹⁰ Due to concern about the implications of the 2008 conflict, the EaP was established expeditiously at the Prague Summit in 2009, followed by a renewed commitment at the Warsaw Summit.¹⁹¹ Since then transport cooperation with the South Caucasus has been conducted through the EaP mechanism.

3.1.2. Transport Cooperation in the Scope of Eastern Partnership

The EU pursues regulatory approximation, which is bringing regulatory practices in sectoral areas, with the South Caucasus in the scope of the EaP. Of the four multilateral platforms, which are the main tools for cooperation with the Eastern partner countries (governance, economic integration

¹⁸⁵ Commission of the European Communities, Communication from the Commission, European Neighbourhood Policy, COM (2004) 373, Brussels, 2004, Accessed 8-12-10, http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf.

¹⁸⁶ EU-Georgia Cooperation Council, European Neighbourhood Policy, European Union-Georgia Action Plan, Accessed 7-08-13, http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/booklet_a4_2_en.pdf.

¹⁸⁷ Agreement between the European Union and Georgia on the Facilitation of the Issuance of Visas, Brussels, 2010, *Official Journal of the European Communities* L 52 2011, Accessed 7-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:052:0034:0044:EN:PDF>; Agreement between the European Union and Georgia on the Readmission of Persons Residing without Authorization, Brussels, 2010, *Official Journal of the European Communities* L 52 2011, Accessed 7-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:052:0047:0065:EN:PDF>.

¹⁸⁸ Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, Black Sea Synergy – A New Regional Cooperation Initiative, COM (2007) 160, Brussels, 2007, Accessed 10-02-14, http://ec.europa.eu/world/enp/pdf/com07_160_en.pdf.

¹⁸⁹ Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Eastern Partnership, COM (2008) 823, Brussels, 2008, Accessed 29-11-12, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF>.

¹⁹⁰ Interview 48.

¹⁹¹ Council of the European Union, Joint Declaration of the Prague Eastern Partnership Summit, 8435/09, Prague, 2009, Accessed 7-08-13, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf; Council of the European Union, Joint Declaration of the Eastern Partnership Summit, Warsaw, 2011, Accessed 7-08-13, http://ec.europa.eu/europeaid/where/neighbourhood/eastern_partnership/documents/warsaw_summit_declaration_en.pdf.

and convergence with EU policies, energy security, and contacts with people), the EU set up a transport network within the second platform to connect with the EaP members, and the partners among themselves. This network evolved into the Eastern Partnership transport panel arrangement to address interagency level issues in maritime, land, rail and civil aviation, which was set up in 2011 by the Ministerial Conference on Eastern Partnership in Transport.¹⁹² “Since then, we [European Commission] have worked quite closely with them [Eastern Partnership countries] in the context of the EaP transport panel which was established by the member states, by the partners rather [sic], from entire neighbouring EaP countries, including of course the Caucasian states,” recalled the head officer from the Directorate-General for Mobility and Transport (DG MOVE) of the European Commission.¹⁹³ Besides increased legislative alignment, the panel has also accelerated the implementation of infrastructure projects along the EaP transport network. The officer envisages other prospects of cooperation too:

At some point, when we have enough agreements in this region, three, four, what we could envisage is to gather all these agreements within one between two regions and ... we could have Georgia, and Azerbaijan, plus perhaps also Armenia, at the same meeting discussing about implementation of the block to block agreement, as we have in the case of the Western Balkans.¹⁹⁴

In the face of existing functional cooperation in transport, the EU and Russia have different opinions about the EaP mechanism used by the EU in Russia’s immediate neighbourhood. The Commission maintains that the EaP facilitated regional cooperation in sectoral areas in its eastern neighbourhood, and strengthened transport links with the EU as well. With the ENP and EaP used as instruments of foreign policy, the EU sees transformative change in transport in the South Caucasus. Using the EaP’s regional platform for dialogue, the EU seeks to attain economic integration with the involvement of Russia in their common neighbourhood. As the Commission official from the Russia desk explained back in 2008 capturing the gist of recent EU discourse:

It will be the economic integration between the six countries of the Eastern neighbourhood policy and the EU not at the expense of Russia. On the contrary, we would see economic integration in the region including Russia. We would like those free trade agreements to be done in a way consistent with the free trade arrangements which already exist between Ukraine and Russia, which exist on paper but not in practice between Georgia and Russia. There is an economic integration of the region as a whole in everybody’s interest. Georgia can be closely integrated with the EU and alongside closely integrated with Russia.¹⁹⁵

In contrast to its transport policy, the EU’s achievement in conflict resolution policy with the EaP countries remains limited. According to the European Integration Index for Eastern Partnership Countries in 2013, Georgia, Armenia and Azerbaijan intensified their links with the EU; Ukraine had less intense relations in comparison to 2012, while Moldova and Belarus registered no

¹⁹² Council of the European Union, Joint Declaration on Transport Cooperation between the EU and Eastern Partnership Countries, 16406/11, Brussels, 2011, Accessed 6-08-13, <http://register.consilium.europa.eu/pdf/en/11/st16/st16406.en11.pdf>.

¹⁹³ Interview 43.

¹⁹⁴ Ibid.

¹⁹⁵ Interview 10.

change.¹⁹⁶ This limitation is caused by different attitudes of the EaP countries towards this policy, and likewise different approaches among the EU member states to the EaP. In the view of a political scientist from Russia, the EaP countries have had several levels of interest in the EaP: diversification of foreign policies away from Moscow, solving internal issues, and their civil societies' needs in European values.¹⁹⁷ The Russian political scientist referred to the Ukraine crisis suggesting that instead of being presented with a choice of the West or Russia, post-Soviet states should engage in cooperation with both.¹⁹⁸ Despite reciprocal interests, overall approximation with the South Caucasus has been achieved to a limited extent.

Differing stances of the EU member states towards the South Caucasus and their varying levels of commitments hindered the EU from bringing transformative changes in its conflict resolution. As a member of an the All-Party Parliamentary Georgia Group (APPG) from the UK Parliament rightly shares, despite the importance of stability around Europe, the EU finds it difficult to sustain its engagement in the South Caucasus for an extended period.¹⁹⁹ According to a Georgian foreign affairs officer in the Netherlands, the EU's foreign policy towards the South Caucasus does not exist in a collective form.²⁰⁰ An international relations academic and a representative of Georgia to the EU also observes that the member states have had divergent approaches to their policy towards the EaP and the South Caucasus.²⁰¹ The director of a policy institution on EU-Russia relations maintains that the EU has no common policy in this region since the member states are divided in their attitudes to Russia.²⁰² This view is also shared by a Eurasian programme director from a research institute in the UK, who asserted that the lack of unity within the EU follows from its division into three parts: on the one side are the countries of the former Soviet Union, including the Baltics and eastern Warsaw pact countries; then the Scandinavian countries and the UK; and on another side France, Germany and Italy.²⁰³ Their stances are dictated by their preferences, conditioned by historical experience and conviction, which are not common to all countries. The analyst continued to say that the EU tends to be preoccupied with its internal issues, such as the euro crisis, and the debt crisis in Spain and Greece.²⁰⁴ Limits to member states' capacities to contribute to peacekeeping missions, one example of which is Britain being overstretched since

¹⁹⁶ Olga Kvashuk and Iryna Solonenko, *European Integration Index for Eastern Partnership Countries*, ed. Open Society Foundations, Ukraine: Ukrainian Print Center, 2013, 7.

¹⁹⁷ Interview 61.

¹⁹⁸ *Ibid.*

¹⁹⁹ Interview 36.

²⁰⁰ Interview 38.

²⁰¹ Interview 45.

²⁰² Interview 19.

²⁰³ Interview 25.

²⁰⁴ *Ibid.*

2001, is another reason mentioned by a member of the APPG.²⁰⁵ Beyond its immediate neighbourhood, the EU has engaged globally with fifteen ongoing and thirteen completed operations under the CSDP/ESDP in 2002-2014.²⁰⁶ Such breadth of involvement puts a strain on the EU's economic, military and human capabilities resulting in competing priorities in global engagement.²⁰⁷ In addition, an issue of democratic deficit in national politics and disconnect between Members of the European Parliament (MEPs) from the people are felt on EU level.²⁰⁸ EU disengagement is also caused by its enlargement fatigue after its expansion to include the ten CEE states in 2004 and 2007.

The EU has demonstrated different levels of commitment to relations with each of the South Caucasus countries. On different policy priorities towards the three states, a founding director of a policy think-tank in Armenia opined that in Georgia the EU supports democracy as a commodity, in Azerbaijan the EU is preoccupied with energy resources, whilst in Armenia security is the priority for the EU.²⁰⁹ The EU is the main trade partner with each country, its trade accounting for 27% of total trade with Georgia, 45% with Azerbaijan, and 28% with Armenia in 2014.²¹⁰ Despite strong trade links, the EU maintained different levels of integration with them. At the policy think-tank in Armenia, EU policy is assessed as pragmatic in view of the EU-Armenia sectoral cooperation.²¹¹ Policy analysts at the regional studies center based in Yerevan, opined that the EU have made progress in sectoral areas, such as customs, visa facilitation, and institutional infrastructure in Armenia.²¹² More specifically, the EU investment in financial and human capacity building at state administrations contributed to infrastructure reforms. The EU's "more-for-more" principle offered greater incentives for democratic reforms. However, according to the analysts, the EU was unable to project a stronger image against Russia to the Armenian public.²¹³ Although the EU was Armenia's main trade partner with imports in goods, crude material and transport equipment, similar to Azerbaijan, this did not influence the country's choice to conclude the AA with the EU.

²⁰⁵ Interview 36.

²⁰⁶ For the exhaustive list of the ongoing and completed missions and operations under the CFSP, see Note 1.

²⁰⁷ Nicu Popescu, "Europe's Unrecognised Neighbours: The EU in Abkhazia and South Ossetia," CEPS Working Document №260, Brussels: CEPS, 2007, Accessed 12-10-13, <http://www.ceps.eu/book/europes-unrecognised-neighbours-eu-abkhazia-and-south-ossetia>, 7.

²⁰⁸ Liz Atkins, "Civil Society and Democracy in Europe," in *Reconnecting the European Parliament and Its People*, ed. Adam Hug (London: The FPC, 2010), 32.

²⁰⁹ Interview 59.

²¹⁰ European Commission, Directorate General for Trade, Trade Statistics: Armenia, Azerbaijan, Georgia, 2014, Accessed 6-10-14, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113383.pdf.

²¹¹ Interview 59.

²¹² Interview 58.

²¹³ Ibid.

The EU and Azerbaijan cooperate in political, economic and trade terms. Azerbaijan conducted negotiations on the AA, restored talks on visa facilitation and signed key agreements on transportation of gas from the Shah Deniz field to the European markets. In 2014, EU foreign policy was characterised as increasingly substantial by the head of the EU delegation to Azerbaijan.²¹⁴ On the other hand, a founding director of a Baku-based NGO assessed the EU's policy as neutral.²¹⁵ Yet the head of a government think tank in Baku could not identify the EU's clear cut policy on Azerbaijan.²¹⁶ Being an oil-based economy, despite an impressive economic growth that averaged an annual 14% in 2003-2013,²¹⁷ Azerbaijan ranked 79 in the 2014 Prosperity Index for good governance followed by Georgia at 80 and Armenia at 95.²¹⁸ Despite trade preferences with the EU, Azerbaijan decided to slow down the pace of its European integration.²¹⁹ Overall it has been difficult for the EU to bring about changes in the South Caucasus because it did not have an adequate capacity to address individual structural obstacles to reform.²²⁰ As Leila Alieva explained, the EU was unable to reconcile two policy objectives: increasing the efficiency of the EaP and managing expectations of accession among those countries.²²¹ The EU has, however, managed to incept a good basis for sectoral cooperation in transport with the South Caucasus. By transferring its rules externally, guided by its normative agenda, the EU promoted the values of the rule of law and market economy to its neighbourhood.²²² Overall, with regional integration in the EaP, visa facilitation and association agreements, the EU, by avoiding stronger commitments and a conflict resolution strategy, created an alternative to accession for the South Caucasus countries.

3.1.3. Significance of Association Agreements for Transport in the South Caucasus

Association Agreement, a politically stronger document than the PCAs, creates a new legal framework of cooperation with the respective countries. Promoting closer economic integration, DCFTA envisages reciprocal liberalisation of establishment and trade in services including in the transport field. Emphasising mutual gains, the HR/VP referred to AA as “a very important milestone, opening the way to comprehensive modernisation and reform based upon shared values,

²¹⁴ Interview 48.

²¹⁵ Interview 54.

²¹⁶ Interview 52.

²¹⁷ Justas Sireika, “The South Caucasus in 2008-2013: Economic and Political Developments in Azerbaijan, Georgia and Armenia” in *Azerbaijan and its Neighbourhood in 2003-2013: Reforms, Development and Future Perspectives*, (Baku: SAM, 2013), 80.

²¹⁸ Legatum Institute, The Legatum Prosperity Index, Rankings 2014, London, Accessed 17-11-14, <http://www.li.com/docs/default-source/publications/2014-legatum-prosperity-index.pdf?sfvrsn=4>, 4.

²¹⁹ State Statistical Committee of the Republic of Azerbaijan, “The Foreign Trade of Azerbaijan 2014,” *Statistical Yearbook*. Baku, 2014, Accessed 10-07-14, <http://www.stat.gov.az/source/trade/indexen.php>.

²²⁰ Interview 54.

²²¹ Leila Alieva, “EU and South Caucasus,” CAP Discussion Paper, Munich: Bartelsmann Foundation, 2006, Accessed 10-07-14, http://www.cap.lmu.de/download/2006/2006_Alieva.pdf, 8.

²²² Parmentier, “Reception of EU Neighbourhood Policy;” Diez, “Constructing the Self and Changing Others.”

political association, and economic integration with the European Union.”²²³ The EU conducted negotiations with all EaP countries with various degrees of outcome. Having started negotiations in 2010, the EU and Georgia initialled the AA at the EaP Vilnius Summit in 2013 and signed it a year later in 2014. Divergences among the member states revealed themselves in their reservation about reference to Georgia. As a national diplomat recalled,²²⁴ whilst negotiators from Georgia proposed stronger reference to the country’s European identity, the EU decided to refer to Georgia as “an Eastern European country.”²²⁵ Moldova was another EaP country where the EU has engaged in reform process and managed to initial the AA.²²⁶ The two countries are, however, the cases of good cooperation, as negotiations with Ukraine, Armenia, and Azerbaijan went into a stalemate.

Negotiations on the AA including the DCFTA with Armenia and Azerbaijan started in 2010, but the EU could not achieve a conclusion with either. Azerbaijan, which put on hold DCFTA negotiations, preferred to proceed with a more equitable Strategic Modernisation Partnership agreement.²²⁷ Whilst Azerbaijan accepts economic and trade cooperation with the EU, the leadership does not wish the EU to prescribe how it should uphold the values of democracy and human rights in Azerbaijan. In contrast to Azerbaijan, as a deputy minister of economy the Republic of Armenia and a principal negotiator on EU-Armenia DCFTA stated, Armenia conducted negotiations up until 2013.²²⁸ However, the country decided not to initial the AA in view of its choice to join the Eurasian Customs Union (ECU) (2010) and the Eurasian Economic Union (EAEU) (2014) which was established to consolidate an economic area in the Commonwealth of Independent States (CIS). Membership of this interregional structure allows Armenia, Belarus, the Republic of Kazakhstan, the Kyrgyz Republic preferential access to the CIS markets, but Azerbaijan, the Republic of Tajikistan, the Republic of Uzbekistan and Turkmenistan were hesitant about joining.²²⁹

Instead of going the European way, Armenia has chosen closer economic relations with Russia.²³⁰ A founding director of a Yerevan-based Regional Studies Center Richard Giragosian explained

²²³ Commission of the European Communities, Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on Completion of Negotiations on the Future Association Agreement with Georgia, MEMO, Brussels, 2013, Accessed 13-08-13, http://www.mfa.gov.ge/files/30_16531_551408_JointstatementbyEUHighRepresentativeCatherine.pdf.

²²⁴ Interview 45.

²²⁵ Association Agreement between the European Union and Georgia, Preamble, 2.

²²⁶ Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one Part, and the Republic of Moldova, of the other Part, Vilnius, 2013, *Official Journal of the European Communities* L 260/4 2014, Accessed 15-02-15, http://eeas.europa.eu/moldova/pdf/eu-md_aa-dcfta_en.pdf.

²²⁷ Interview 52.

²²⁸ Interview 57.

²²⁹ *Nezavisimaya gazeta*, “Nazad, v budushchee: tamozhennii soyuz zavershil razvod stran sng,” Moskva, 30 dekabrya 2011, Accessed 30-12-11, http://www.ng.ru/cis/2011-12-30/6_soyuz.html, (in Russian).

²³⁰ Haroutiun Khachatryan, “‘Russia Will not Abandon the Caucasus,’ Putin Tells Armenia,” *CACI Central Asia-Caucasus Analyst* 15 (2013): 16.

Armenia's decision to opt out from the AA as "inherent asymmetry of the Armenian-Russian relations," and Russia's assertive course to reassume domination by pushing back against the EU, as evidenced in its military actions in Crimea.²³¹ As de Waal notes, Russia as a major regional power has a more sustained interest in the South Caucasus region on its borders than any Western power has.²³² In the interview with the author in 2014, it was mentioned that "the South Caucasus, as a small region can only function well if its countries are connected by economic links, transportation routes, and communication."²³³ The head of a political and economic section at the EU delegation to Armenia noted that adhering to its value-based approach, the EU agreed with Armenia to update the ENP Action Plan, as well as to revisit the legal basis for their relations.²³⁴ An academic representing a network of scholars from the Caucasus and Europe observed that parallel of joining the ECU, Armenia is seeking new formats of cooperation with the EU.²³⁵ Although the EU is unlikely to offer security guarantees comparable to those that the Armenian leadership expects from Russia, the academic agreed that if Armenia and the EU intensify economic and political interaction, Armenia may succeed in combining European integration and partnership with Russia.²³⁶ Being mindful of Russia's prevailing interests, a substantial policy that the EU can conduct in the South Caucasus is to continue encouraging cooperation in sectoral areas. Once the association with Armenia and Azerbaijan went into a stalemate the EU, in contrast to Ukraine, has not pursued deepening its political and economic relations further.

Another issue area where the EU has not been able to incentivise compromise with Armenia has been the closure of a power plant that in fact, has dominated the security-related agenda between the EU and Armenia, that has been overlooked in current policy literature. It has often been pointed out by the Azerbaijani side that the Nuclear Power Plant (NPP) situated on the site of the Soviet-era Medzamor Atomic Power Station near Yerevan, in a seismologically active area, 120 kilometres from the borders of Azerbaijan and Georgia, despite safety concerns was reopened in 1995, following the energy blockades from Azerbaijan and Turkey.²³⁷ In 2002, the European Parliament, in its resolution on the EU's Relations with the South Caucasus, accentuated the need for an active policy to address "environmental hazards, like the Medzamor nuclear power plant situated in an

²³¹ Richard Giragosian, "Armenia's Strategic U-Turn," in *Protecting the European Choice*, ed. Andrew Wilson (London: ECFR, 2014), 60.

²³² De Waal, *The Caucasus*, 4.

²³³ Interview 63.

²³⁴ Interview 55.

²³⁵ Interview 60.

²³⁶ Ibid.

²³⁷ Parliamentary Assembly of the Council of Europe, "The Functioning of the Metsamor Atomic Power Station of Armenia: Great Danger for the South Caucasus and the Whole of Europe," Doc. 11061, Written Question No 506 2006 to the Committee of Ministers Submitted by the Azerbaijan Delegation, Strasbourg: PACE, Accessed 2-02-14, <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=11388&Language=EN>.

earthquake region in Armenia.”²³⁸ In 2003 the NPP was transferred into the trust management of the OAO Inter RAO EES Company and since then has been operated by Russia.²³⁹ The EU noted in 2011 that unless Armenia considered changing its use of nuclear energy to other renewable sources, the country would not be considered for ENP tools. Armenia rejected the Commission’s proposal to develop alternative energy capacity, due to the predicted rise of electricity tariffs after the plant’s closure.²⁴⁰ Despite the availability of alternative sources, such as hydropower, wind and solar energy, investment has continued in nuclear energy, which was declared an asset for economic development in Armenia.²⁴¹ Even though Medzamor poses a problem for environmental security in its eastern neighbourhood, the EU has not managed to alter Armenia’s energy policy and its cooperation with Russia.

Reaching the AA with Ukraine triggered a hostile reaction from Russia. Although the EU worked closely on the AA and DCFTA with Ukraine under President Viktor Yanukovich, the government suspended initialling the agreement, suggesting that closer economic relations with the EU would conflict with Ukraine’s trade relations with Russia.²⁴² In a wider competitive background between Russia and the EU, Russian diplomacy criticised EU reform processes in its immediate common neighbourhood as hindering Russian-led Eurasian integration. Protest movements, placing Ukraine’s European identity within internal political division, ended with the resignation of President Yanukovich. Political provisions and the economic part of the AA were signed by the new President, Petro Poroshenko, and ratified by the Verkhovna Rada and the European Parliament in 2014. In response, between February and September 2014, Russia subjugated Ukraine’s south-western and eastern regions.²⁴³ In reaction to the Russian annexation of Crimea and the war in eastern Ukraine, the Council in its conclusions condemned Russian support to the separatists, and

²³⁸ European Parliament, Resolution on the Communication from the Commission to the Council and the European Parliament on the European Union’s Relations with the South Caucasus, P5 TA (2002), 28 February 2002, Strasbourg, Accessed 2-02-14, http://www.europarl.europa.eu/intcoop/euro/pcc/aag/pcc_meeting/resolutions/2002_02_28.pdf, 3.

²³⁹ International Atomic Energy Agency, Armenia: Energy, Economic and Electricity Information, Vienna: IAEA, 2010, Accessed 3-02-14, http://www-pub.iaea.org/MTCD/publications/PDF/CNPP2010_CD/countryprofiles/Armenia/CNPP2010Armenia.htm, Para. 2.4.

²⁴⁰ Commission of the European Communities, European Neighbourhood Policy Country Report, Armenia, Working Paper, SEC (2005) 285/3, Brussels, 2005, Accessed 3-02-14, http://ec.europa.eu/world/enp/pdf/country/armenia_country_report_2005_en.pdf, 5.

²⁴¹ Ministry of Energy and Natural Resource of the Republic of Armenia, HH Nakhagahi Kargadurutyouny HH energetik anvtangutyany apahovman hayetsakargy hastatelulu masin [The Concept of Energy Security of the RA], MENRRA: Yerevan, 2013, Accessed 2-02-14, <http://www.minenergy.am/en/en/2013-12-18-11-49-40>, Para. 8, (in Armenian).

²⁴² Council of the European Union, Joint Declaration of the Eastern Partnership Summit, Vilnius, 2013, Accessed 29-11-13, http://static.eu2013.lt/uploads/documents/Programos_12/131129%20Vilnius%20Summit%20Declaration.pdf.

²⁴³ Paul J. Saunders, “Russia’s Uncertain Place in Europe,” *The National Interest*, Washington: Center for National Interest, 2014, Accessed 14-11-14, <http://nationalinterest.org/commentary/russias-uncertain-place-europe-9915>; Alina Inayeh, Daniela Schwarzer and Joerg Forbig, “Regional Repercussion of the Ukraine Crisis Europe,” Policy Paper 3, Washington: The German Marshall Fund of the United States, 2014, Accessed 6-01-15, http://www.gmfus.org/wp-content/blogs.dir/1/files/mf/1404920650Inayeh_UkraineCrisisRegionalOutlook_Jun14_web.pdf.

imposed restrictive measures on Russia.²⁴⁴ With respect to engagement and humanitarian assistance, the Council opted to rely on the OSCE Special Monitoring Mission to Ukraine. Russian attempts to dismember Ukraine has posed a challenge for wider European security that the EU has been neither prepared to prevent nor able to facilitate a solution.

The Ukraine crises, besides revealing the EU's miscalculation in negotiating the AA agreement, showed a split within the EaP. Armenia and Belarus voted against the UN General Assembly resolution 68/262 (2014) upholding territorial integrity of Ukraine.²⁴⁵ According to a high-ranking diplomat from Central Europe, Ukraine's decision not to initial the agreement was a surprise in European partnership diplomacy and the failure of the EaP.²⁴⁶ As Péter Balázs highlights, there is a need for the EU to be more substantial in the region where it is no longer "the exclusive pole of attraction."²⁴⁷ For Eberhard Rhein, although EU governance outside its borders has reached its limits, the EU has to prepare for membership of Ukraine, Moldova and Georgia.²⁴⁸ According to Balázs, the EaP should include a membership perspective based on conditionality and subregional cooperation with the EaP countries similar to cooperation with the Visegrád Group (V4) of the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic formed in 1991.²⁴⁹ Although Visegrád countries depend on Russian energy supplies, as their vulnerability was apparent during the gas dispute between Russia and Ukraine in 2009, when Russia reduced gas supply with 20% to Eastern and South-Eastern Europe, the V4's common gas strategy can be used to overcome Russia's energy dominance over the Visegrád group.²⁵⁰ The disruption of gas supply is a frequently used policy by Russia against other countries in EU's eastern neighbourhood. Belarus also experienced a cut-off in 2012 after debt negotiations between Gazprom and the gas transportation company, Belarus Beltransgaz.²⁵¹ Fawn notes that as the Visegrád Group facilitated accession of Central European countries to Western institutions to advance in its eastern neighbourhood, the EU can apply a similar format to the post-Soviet countries. In doing so, the EU

²⁴⁴ Council of the European Union, Conclusions, "Council Conclusions on Ukraine," Foreign Affairs Council Meeting, Brussels, 2015, Accessed 26-02-14, <http://www.consilium.europa.eu/en/press/press-releases/2015/01/council-conclusions-ukraine/>.

²⁴⁵ United Nations General Assembly, Resolution A/RES/68/262, Territorial Integrity of Ukraine, 27 March 2014, Accessed 11-09-14, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/262.

²⁴⁶ Interview 46.

²⁴⁷ Péter Balázs, "Ukraine and the Eastern Partnership: Views from Brussels and Budapest," in *Ukraine at Crossroads: Prospects of Ukraine's Relations with the European Union and Hungary*, eds. Péter Balázs et al. (Budapest: CEU Center for EU Enlargement Studies, 2013), 69.

²⁴⁸ Eberhard Rhein, "EU Must Prepare for Membership of Moldova, Ukraine and Georgia," Brussels: Euractiv, International Press Centre, 2014, Accessed 14-11-14, <http://www.euractiv.com/sections/europes-east/eu-must-prepare-membership-moldova-ukraine-and-georgia-303273>.

²⁴⁹ Péter Balázs, "The Eastern Partnership," in *The Eastern Partnership and the Europe 2020 Strategy: Visions of Leading Policymakers and Academics*, ed. European Commission (Luxembourg: EU Publications Office, 2012), 177.

²⁵⁰ Pál Kovács, "Security of Gas Supply – A Regional Dimension," in *Energy Security of the V4 Countries: How Do Energy Relations Change in Europe*, ed. Joanna Świątkowska (Kraków: Kosciuszko Institute, 2011), 11.

²⁵¹ Financial Times, "Gazprom Cuts Gas to Belarus," Companies and Markets, London, 21 June 2010.

can use common experience of the Visegrád group similar to the EaP countries for political and economic transformation.²⁵² In view of developments in Ukraine, it may be worth indicating that subregional formation with the EaP-3, Georgia, Moldova, and Ukraine can now be of growing relevance. Relations between the EU and the South Caucasus over the past twenty years show that, with the ENP and the EaP mechanisms, the EU has been coherent in sectoral cooperation.

3.2. Legislative Alignment and Common Area in Transport

This and the next subchapters puts forward the core argument that legislative alignment, a common area created by putting in operation technical assistance programmes, and restrictive measures are key preconditions for the EU's external transport policy coherence in the South Caucasus. The first section of this subchapter analyses legislative alignment with EU law. It then examines a common transport area that the EU has created to meet European safety, security and environmental standards. The EU aims to integrate its neighbourhood in all transport modes, but bearing in mind that Georgia shares a maritime borderline with EU new members Bulgaria and Romania, maritime cooperation stands out in EU-Georgia relations. The recent example in EU's maritime transport shows that by using coercive measures and inducements, the EU has succeeded in making institutional changes in Georgia's maritime sector, which is discussed in the third section.

3.2.1. Legislative Alignment

Transport policy cooperation with the EU's neighbouring region in practical terms was first outlined in the policy on a European transport network in 2004. This policy had a focus on investments for 30 priority transnational axes to connect the EU's internal market with the neighbouring countries via transport links.²⁵³ Five transnational axes were adopted to link the major axes of the trans-European networks with axes of the neighbouring countries: Motorways of the Seas, Northern Axis, Central Axis, South Eastern Axis, and South Western Axis.²⁵⁴ Separately, in 1999 Iceland and Norway created the Northern Dimension policy (ND) for thematic cooperation

²⁵² Rick Fawn, "The International Transformation and Re-regionalization of 'Eastern Europe'," in *Central and East European Politics*, eds. Stephen White et al. (Hampshire: Palgrave, 2013), 131; Rick Fawn, "Trouble in the Neighbourhood? The Understated But Essential Roles for Visegrad," in *Trouble in the Neighbourhood: The Future of the EU's Eastern Partnership*, ed. Adam Hug (London: The FPC, 2015), 33.

²⁵³ European Parliament, Decision No 884/2004/EC of the European Parliament and of the Council Amending Decision No 1692/96/EC on Community Guidelines for the Development of the Trans-European Transport Network, 29 April 2004, *Official Journal of the European Communities* L 201 2004, Accessed 9-03-14, http://ec.europa.eu/ten/transport/legislation/doc/2004_0884_en.pdf.

²⁵⁴ Commission of the European Communities, Extension of the Major Trans-European Transport Axes, 7.

with Russia, such as transport and logistics.²⁵⁵ In 2011, the Commission in its Communication “Renewed Approach to Transport Cooperation” placed transport policy with the ENP countries within the context of strengthening the ENP policy:

The EU is a major political and economic partner of countries in neighbouring regions. Strengthened cooperation in the transport sector can make a difference in helping our neighbours to become economically stronger and politically more stable.²⁵⁶

This strategy document reinforcing transport policy reflects a clear vision of the EU on transport towards the neighbourhood. To create a legislative framework of cooperation, the EU concluded comprehensive agreements with the neighbouring countries on par with the EU rules and regulations. As a policy officer on international transport affairs from DG MOVE outlined in 2013, association agreement with Georgia stipulated regulatory approximation in transport legislation.²⁵⁷ Moreover, a head officer on transport affairs from the DG MOVE stressed:

We think it is very important to develop framework of cooperation with all the neighbours, in particular with the South Caucasus states in terms of sharing common objectives when it comes to the regulation of transport, because we have a lot of common issues about safety, security and environmental protection.²⁵⁸

Closer legislative alignment with the South Caucasus countries is sought in all transport modes, namely, maritime, road, rail and civil aviation. Approximation is achieved by involving countries in the process of developing their legislations, which creates a feeling of a common stakeholding and commitment. Drawing on the example of how old member states helped the EU accession countries bring their vessel traffic management legislation into compliance with EU regulations, a permanent representative of the European Commission stated that the EU first identifies responsible points of contact in national administrations and helps them redraft their legislation.²⁵⁹ Following the AA, Georgia now approximates its national legislation with EU legislation by transposing maritime and land transport-related directives and regulations. The Georgian side has committed to aligning its legislation in “the stipulated timeframes” but underlines the gradual nature of approximation.²⁶⁰ To promote observance of international standards in aviation safety and security, Georgia amended its air code in accordance with international regulations of the European Civil Aviation Conference (ECAC), and International Civil Aviation Organization (ICAO).²⁶¹ The EU has thus achieved high level of coherence in transport by embedding common legislative practice and cooperation within specialised international organisations in the South Caucasus countries.

²⁵⁵ Atis Lejiņš, (ed.) *Baltic Security Prospects at the Turn of the 21st Century* (Helsinki: Kikimora, 1999), 40.

²⁵⁶ Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, the EU and its Neighbouring Regions: A Renewed Approach to Transport Cooperation, COM (2011), Brussels, 2011, Accessed 2-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0415:FIN:EN:PDF>, 2.

²⁵⁷ Interview 44.

²⁵⁸ Interview 43.

²⁵⁹ Interview 16.

²⁶⁰ AA between the EU and Georgia, Annexes XXIV-XV.

²⁶¹ Air Code of Georgia, №462-IS, 1996, President of Georgia, Georgia, Accessed 21-08-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=33298.

3.2.2. External Dimension of Single Transport Area

Next to legislative alignment, the EU has created a single European transport area as part of its coherent strategy. Expansion of the EU's transport and infrastructure policy to its immediate neighbours is guided by a roadmap to a Single European Transport Area.²⁶² With a common view on an external aviation policy to the eastern neighbourhood put in the Council Conclusions adopted in 2012, the EU established the European Common Aviation Area (ECAA) that covers all neighbouring countries on the EU's eastern borders.²⁶³ Of the EaP countries, the EU concluded a comprehensive air services agreement with Georgia,²⁶⁴ is negotiating similar agreements with Ukraine, Moldova, and Azerbaijan, and is planning to enter into negotiations on an agreement of a similar nature with Armenia. The head officer from the DG MOVE confirmed that "the Council was absolutely supportive to the idea to progress in view of establishing this common aviation area between the EU and its eastern neighbourhood."²⁶⁵ Regulatory approximation and the creation of a single area, also implies the gradual opening of new markets for transport services for the EU.

Rail transport is the third mode to link with the South Caucasus. As the DG MOVE head officer noted, the EU member states are taking an interest in a rail interconnection between the Caucasus states.²⁶⁶ Transport and logistics are viewed as accelerators of integration of the Black Sea and Central Asia with the South Caucasus into a "transport hub."²⁶⁷ Current agenda to enhance multimodal transportation and logistics centres along the TRACECA corridor evolved into waterborne connections among the riparian states of the Black Sea with the Logistics Processes and Motorways of the Sea (LOGMOS). With the Silk Wind project, the EU created a transportation system for containers by rail from China and Kazakhstan through Azerbaijan, Georgia, and Turkey to Europe. While extending the railway network to the east, the Trans-European and Trans-Asian railway (TER-TAR), advanced by the United Nations Economic Commission for Europe (UNECE), is important for the EU. The new corridor Baku-Tbilisi-Kars Railroad Line (BTK), in operation since 2015 and connecting Azerbaijan via Georgia and Turkey to Europe, was

²⁶² Commission of the European Communities, Roadmap to a Single European Transport Area – Towards a Competitive and Resource Efficient Transport System, White Paper, COM (2011), Brussels, 2011, Accessed 31-07-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0144:FIN:EN:PDF>, 16.

²⁶³ Council of the European Union, Conclusions, "The EU's External Aviation Policy – Addressing Future Challenges," 3213th Transport, Telecommunications and Energy Council Meeting, Brussels, 2012, Accessed 7-08-13, http://ue.eu.int/uedocs/cms_data/docs/pressdata/en/trans/134518.pdf.

²⁶⁴ Common Aviation Area Agreement between the European Union and its Member States of the One Part, and Georgia, of the Other Part, Brussels, 2010, *Journal of the European Communities* L 321 2012, Accessed 10-08-13, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=8821>.

²⁶⁵ Interview 43.

²⁶⁶ Ibid.

²⁶⁷ Shirin Akiner, Rovshan Ibrahimov and Ariz Huseynov, "International Cooperation in Eurasia: Transport and Logistics," *SAM Review* 10 (2013), 51.

predominantly constructed by the participating states. As the head of a transport department at a ministry of transport in Azerbaijan put it, the BTK provides the EU with access for goods and passengers, increases transit potential of participating countries, and enhances intermodal transport volume in both directions.²⁶⁸ The EU seems to focus more on logistics whilst rail transport initiatives tend to be conducted in multilateral formats.

Another component of EU policy implementation to the South Caucasus is the transfer of knowledge, competence and technical assistance to the neighbouring countries. This interaction is achieved by drawing on the EU's technical regulatory agencies, such as the European Maritime Safety Agency (EMSA), European Aviation Safety Agency (EASA), and European Railway Agency (ERA). EU transport policy is also conducted in conjunction with other international transport policy organisations notably the International Transport Forum (ITF) of the Organisation for Economic Co-operation and Development (OECD), IMO, and International Road Transport Union (IRU), in which the EU usually has an observer status. Such multilateral formats push the South Caucasus countries to harmonise their national legislation by enforcing international conventions. Legislative alignment and the creation of a single European transport area in civil aviation, maritime and rail transport constitute the EU's coherent strategy.

3.2.3. Restrictive Measures in Maritime Transport

Parallel to approximation, the EU has used economic restrictive measures as a foreign policy tool to compel maritime reform in Georgia. The prominent measure was when the EU suspended recognising Certificates of Competency (CoC) issued in Georgia. To regain recognition was a strong incentive for the Georgian Government to reform its maritime sector. Unlike other EaP countries with which the EU has a land border, it shares a maritime border with Georgia. This border is important for Europe, because almost 90% of external freight trade in tonnage is seaborne, and most of the trade is conducted by maritime transport in Europe. The virtue of the Black Sea, which is shared by Romania, Bulgaria, Ukraine, Russia and Turkey, reinforces the importance of Georgia, as a maritime nation becoming a gateway for cargo flow from Central Asia to Europe. Bearing this seaborne trade in mind, the EU Maritime Transport Strategy 2009-2018 calls on the EU to enhance cooperation with its trading and shipping partners in the neighbourhood.²⁶⁹ On this part of the Black Sea shore, the EU's interest lies in port operations, safety and security.

²⁶⁸ Interview 47.

²⁶⁹ Commission of the European Communities, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; Strategic Goals and

In 2009, due to the CoCs incompliance with EU maritime standards, namely with the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention 1978),²⁷⁰ the EU stopped recognising the Georgian CoCs.²⁷¹ This decision affected 3,700 seafarers out of total of 18,000 seafarers residing in Georgia who used to work on vessels flying flags of the EU member states. This restrictive measure turned the wheel for the government to reconsider its approach and to take corresponding measures. In particular, the Parliament of Georgia amended the Law of Georgia on Management of Regulation of Transport Field,²⁷² and the Maritime Code of Georgia.²⁷³ Besides legislative amendments, the government instituted reforms in the flag state sector in line with 22 EU directives on maritime safety and security, port state control, vessel traffic monitoring, accident investigation, passenger ships and oil tankers, and social conditions.²⁷⁴ To deal with the detention ratio of vessels flying the Georgian flag, from over 270 substandard ships listed in the Georgian Ships Registry only three ships were left undeleted.²⁷⁵ Reform of ship registration removed Georgia from the high risk category of ships, otherwise known as the black list of the Paris Memorandum of Understanding on Port State Control (Paris MoU).²⁷⁶ After adopting restrictive measures, the European Commission assisted Georgia to bring its maritime system into congruence with the EU standards via its funding tools for maritime safety and security in the Black Sea and Caspian Sea. Most prominent among these have been instruments of the Ship Pollution Prevention Project for the Black and Caspian Seas (SASEPOL), and the Technical Assistance and Information Exchange (TAIEX).

After regular monitoring conducted by EMSA, having noted progress in corrective measures, the Commission first granted the country a re-recognition prospect. As the director of a maritime transport agency in Batumi stated, this acknowledgment motivated the national maritime

Recommendations for the EU's Maritime Transport Policy until 2018, Brussels, 2009, Accessed 8-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0008:FIN:EN:PDF>, 7.

²⁷⁰ International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, London, 1978, International Maritime Organization, Accessed 29-11-09, <http://www.imo.org/OurWork/HumanElement/TrainingCertification/Pages/STCW-Convention.aspx>.

²⁷¹ Commission of the European Communities, Commission Decision on the Withdrawal of the Recognition of Georgia as Regards Education, Training and Certification of Seafarers for the Recognition of Certificates of Competency, 2010/705/EU, L 36 2010, Accessed 14-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:306:0078:0079:EN:PDF>.

²⁷² Law of Georgia on Management of Regulation of Transport Field, №4593-IS, 2007, President of Georgia, Georgia, Accessed 12-08-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=23692&lang=ge.

²⁷³ Maritime Code of Georgia, №715-IIS, 1997, President of Georgia, Georgia, Accessed 12-08-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=29908&lang=ge, (in Georgian).

²⁷⁴ European Parliament and of the Council of the European Union, Directive 2009/15/EC on Common Rules and Standards for Ship Inspection and Survey Organisations and for the Relevant Activities of Maritime Administrations, *Official Journal of the European Communities* L 131 2009, Accessed 12-08-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:131:0047:0056:EN:PDF>.

²⁷⁵ United Nations Conference on Trade and Development, *Review of Maritime Transport*, New York: UNCTAD, 2014, Accessed 22-01-15, [http://unctad.org/en/pages/publications/Review-of-Maritime-Transport-\(Series\).aspx](http://unctad.org/en/pages/publications/Review-of-Maritime-Transport-(Series).aspx).

²⁷⁶ Paris Memorandum of Understanding on Port State Control, White, Gray, Black Lists 2010-2012, 1 July 2013, Accessed: 14-08-13, <https://www.parismou.org/sites/default/files/PMOU%20WGB%20Flags%20list%202012.pdf>.

administration, and as the captain reassures propelled the reforms process.²⁷⁷ After a year later, the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), the member states jointly re-recognised seafarers' certificates issued in Georgia allowing the seafarers to resume their work on board of the EU flagged ships in 2013.²⁷⁸ The EU mastered positive statecraft in maritime transport towards Georgia by imposing sanctions and rewarding the country for progress.

3.2.3.1. Navigation to Abkhazia

Incidents of maritime entry to the ports of Abkhazia that constitutes about half of Georgia's Black Sea coastline, elucidates a striking aspect of how countries manage to navigate away from sovereignty. Despite its engagement strategy the EU has not been involved in resolving the matter of prohibited maritime entry in Abkhazia that adds to the argument that the EU remains disengaged in addressing overlapping issues of maritime transport policy and conflict resolution in Georgia.

After the 1990s, links with Abkhazia through all modes of transport were closed. During Soviet times, the railway lines of Senaki-Enguri-Gali (1930), Gali-Ochamchire-Sokhumi (1938), and Sokhumi-Adler (1949) were the shortest routes for the transportation of goods between Georgia and Russia.²⁷⁹ Stopping the railway connection through Georgia affected Abkhazia's economy and deprived Russia of railway links with Armenia.²⁸⁰ In 1996 all sea-ports of Abkhazia were also closed for navigation as the Georgian Government was incapable of exercising its sovereignty over the Abkhaz section of Georgian territorial waters to ensure the secure voyage of vessels with reference to the decrees of the President of Georgia, and UN Security Council resolutions.²⁸¹ In 2008, the status of the ports located in Abkhazia was reiterated in the Law of Georgia on Occupied Territories that defines territorial inland waters, waters adjacent to the coastline from the River Psou

²⁷⁷ Interview 65.

²⁷⁸ Commission of the European Communities, "Transport: Commission Lifts Ban on Georgian Certified Seafarers for EU Vessels," Press Release, 25 November 2013, Brussels, Accessed 26-11-13, http://europa.eu/rapid/press-release_IP-13-1152_en.htm.

²⁷⁹ Avtandil Silagadze, "The Circumstances under which it is Possible to Restore the Railway through Abkhazia," in *Russia-Georgia: Challenges and Perspectives in Economic Sector*, ed. Mamuka Areshidze (Tbilisi: ICCN, 2014), 13.

²⁸⁰ Revaz Gachechiladze, "Geographical Background to a Settlement of the Conflict in Abkhazia," *Caucasian Regional Studies* Special Issue (1998), Accessed 25-11-14, http://www.ciaonet.org/olj/crs/crs_1998sp/crs98sp_gar01.html.

²⁸¹ President of Georgia, Border and Checkpoint Regimes in the Territory of Abkhazia (Georgia), along the State Border between Russia and Georgia, in Sokhumi Port, Harbours and Territorial Waters, Decree №140, 31 January 1996, Tbilisi, Accessed 18-10-13,

https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=107770&lang=ge; President of Georgia, Protection of Rights, Territorial Integrity, Sovereignty and Security of Georgia within the Maritime Region of Abkhazia of the Maritime Space of Georgia, Decree №313, 3 August 2004, Tbilisi, Accessed 18-10-13, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=35818&lang=ge; United Nations Security Council, Resolution S/RES/876 (1993), 19 October 1993, Accessed 18-10-13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/566/50/PDF/N9356650.pdf?OpenElement>; Commonwealth of Independent States, Decision of the Council of the Heads of States of Commonwealth of Independent States, 19 January 1996, Moscow, Accessed 18-10-13, <http://cis-legislation.com/document.fwx?rgn=25385>.

to the River Enguri, and waters of Georgia, located in the aquatic territory of the Black Sea, as an occupied territory with prohibited navigation, except for humanitarian purposes, with reference to the UN Convention on the Law of the Sea (1982).²⁸² Despite the special procedures, the Georgian coast guards have been reporting incidents of vessels flying flags of a third country or owned by a shipowner registered in a third country entering Abkhaz ports.²⁸³ To address this matter, as the safety and security of shipping falls under the IMO's remit, Georgia has been appealing with *note verbale* to the IMO since 2004 to remind the IMO member states about the special procedures of control, which, in some instances, are also EU member states or accession candidates.

Despite notifying the IMO and its member states regarding these restrictions, incidents of clandestine navigation to Abkhazia was not an issue the EU considered necessary to resolve. The fact that the EU has not engaged in maritime issues that occur in disputed territorial waters demonstrates the limitation of the EU's remit to engage in conflict resolution.

3.3. The South Caucasus as a Transport Corridor

This subchapter, by analysing the EU's first regulatory framework of relations using the technical assistance programme TRACECA in the South Caucasus for more than twenty years, argues that the EU's transport policy has been coherent. This transit region has been particularly prominent with diversification of oil and gas to the European markets that the second part of this subchapter engages. It concludes with analysis of EU relations with the IMO arguing that the EU's maritime transport policy is reinforced by its cooperation with other specialised international agencies.

3.3.1. TRACECA Corridor

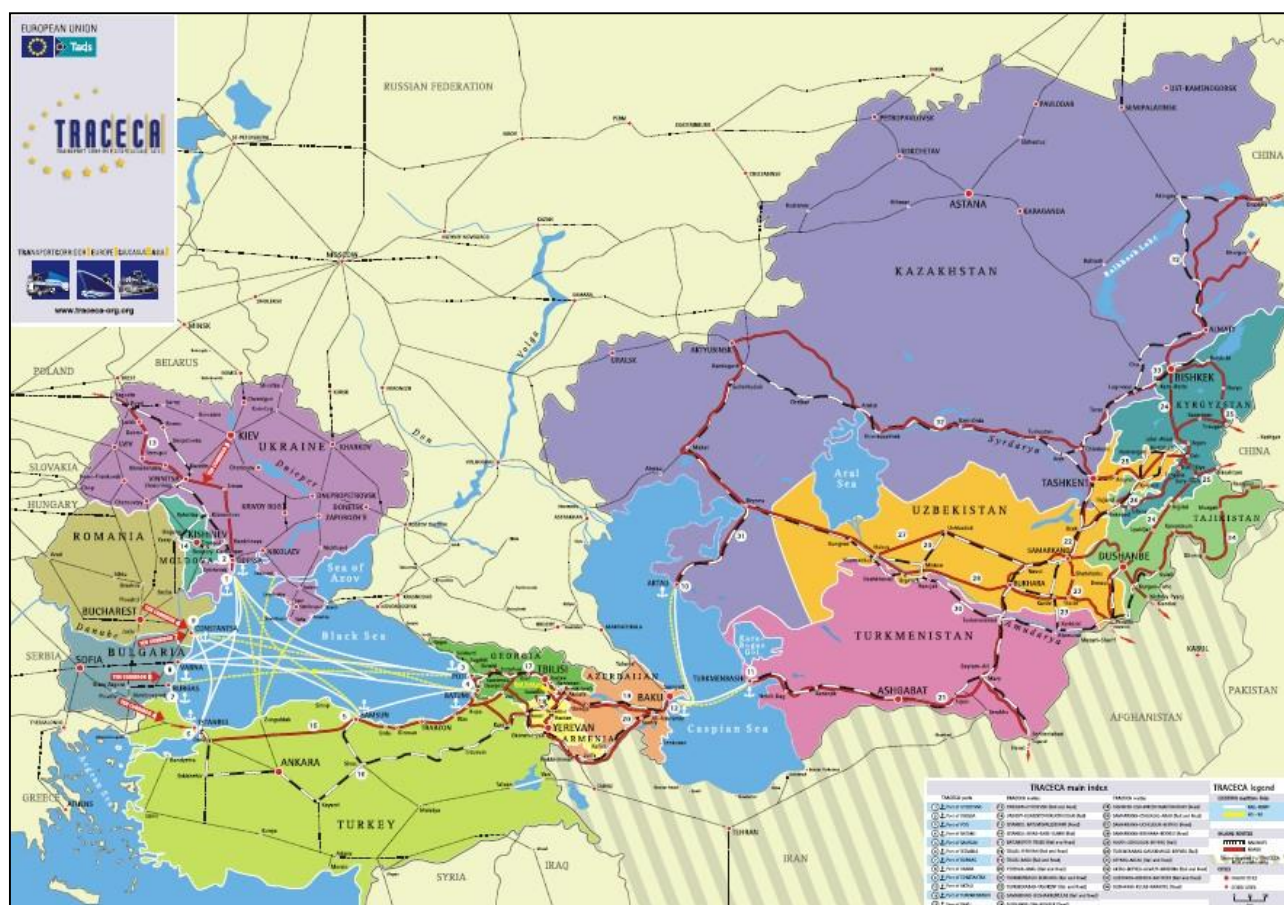
The EU had devised its transport policy towards the South Caucasus before the regulatory framework of relations with its eastern neighbours has been introduced. In 1993 the EU launched the TRACECA programme as a component of Technical Assistance to the Commonwealth of Independent States (TACIS) programme with the former Soviet countries, created earlier in 1991.

²⁸² President of Georgia, The Law of Georgia on Occupied Territories, №431-II, 2008, Tbilisi, Accessed 4-01-13, <http://www.smr.gov.ge/docs/doc216.pdf>, Art. 2.

²⁸³ International Maritime Organization, Restrictions on Navigation in the Abkhazian Section of the Georgian Territorial Waters, Communication by the Government of Georgia, SN.1/Circ.260, 10 January 2007, London, Accessed 18-10-13, http://www.imo.org/blast/blastDataHelper.asp?data_id=17430&filename=260.pdf.

Table 1

TRACECA Map



Source: Permanent Secretariat of IGC TRACECA. 2015.

TRACECA brings together the Eastern European, the South Caucasus and Central Asian countries of Armenia, Azerbaijan, Bulgaria, Georgia, Iran, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Turkey, Ukraine, and Uzbekistan.²⁸⁴ The permanent Secretariat of Intergovernmental Commission – PS IGC TRACECA established in Baku in 2000 regulates provisions of a founding multilateral agreement on international transport for Europe-the Caucasus-Asia corridor (MLA) that governs trade and transport among the countries.²⁸⁵ Between 1993 and 2014 TRACECA supported 66 technical assistance projects and 14 investment projects from the International Financial Institutions (IFIs), and private investors, such as the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the World Bank (WB), the Asian Development Bank (ADB), and the Japanese International Cooperation Agency (JICA).

²⁸⁴ See Table 1.

²⁸⁵ Basic Multilateral Agreement on International Transport for Development of “Europe-the Caucasus-Asia Corridor,” Baku, 1998, Accessed 18-11-13, http://www.traceca-org.org/fileadmin/fm-dam/pdfs/til_mla/en/MLA_en.pdf.

TRACECA has been a regular tool towards all three South Caucasus countries for cargo and passenger transportation. Georgia with its maritime border with the EU member states of Romania and Bulgaria, has preponderant within TRACECA. As a deputy minister of economy and sustainable development of Georgia in charge of transport, and a permanent representative (national secretary) of the IGC TRACECA in Georgia stated, transport is significant in the Georgian economy as well as in its relations with the EU.²⁸⁶ The country's potential for redeveloping transportation routes to European markets was confirmed in the interview with an energy advisor in a UK government department.²⁸⁷ Transport and communications made up 11.1% of Gross Domestic Product (GDP) of Georgia's national economy; and transport and communications had the largest share in foreign direct investment (FDI) that tripled from 11.4% in 2011 to 34.9% in 2014.²⁸⁸ Using TRACECA commercial routes, in 2013 imports to Georgia came from Europe (22.63%), Turkey (15.85%), the Caucasus (9.28%) and America (8.12%); and exports were also westbound to Europe (23.68%), America (15.14%), the Caucasus (11.87%) and Turkey (11.28%).²⁸⁹ In all of this, trade with TRACECA countries constituted half of Georgia's global trade flow (46.14% of total imports, and 41.64% of total exports).²⁹⁰ That TRACECA routes have facilitated an increase in cargo transportation over two decades is a testament to EU coherent transport policy.

Besides Georgia, the EU has worked closely with Armenia and Azerbaijan within TRACECA as well as on infrastructure projects for the integration of their transport networks into the TEN-T. As the civil servant at a ministry of transport in Azerbaijan noted, transport relations between the EU and Azerbaijan have been strategic.²⁹¹ For a permanent representative of IGC TRACECA in Azerbaijan, transport cooperation through TRACECA marked the first instance of the EU's engagement in Azerbaijan.²⁹² Moreover, the EU has assisted Azerbaijan with technical assistance tools, such as Twinning, TAIEX and Support for Improvement in Governance and Management (SIGMA). In order to eliminate obstacles at border crossings, as the country does not have direct transport links with the EU member countries, Azerbaijan works closely with Georgia were the major inland transport routes pass. After the inception of TRACECA, cargo transportation in Azerbaijan increased from 3 million tons in 1993 to 53 million in 2007.²⁹³ Armenia, besides

²⁸⁶ Interview 64.

²⁸⁷ Interview 35.

²⁸⁸ Ministry of Economy and Sustainable Development of Georgia, 9.

²⁸⁹ Commission of the European Communities, European Neighbourhood and Partnership Instrument, "Logistics Processes and Motorways of the Sea II," Country Profile, Georgia, ENPI 2011 / 264 459, 2012, Accessed 23-08-13, http://www.traceca-org.org/fileadmin/fm-dam/TAREP/65ta/Country_Profiles/Full_CPs/GE_CP_en.pdf, 16.

²⁹⁰ Commission of the European Communities, LOGMOS, 16.

²⁹¹ Interview 47.

²⁹² Interview 49.

²⁹³ TRACECA, "Azerbaijan: At the Crossroads of Development," Baku: ENP Info Centre, Accessed 20-02-15, http://www.traceca-org.org/fileadmin/fm-azerbaijan/FT08_east_Azerb_EN.pdf, 2.

improving transport connections, is particularly positive about the technical assistance component. As a permanent representative of the IGC TRACECA in Armenia stated, while actively participating in TRACECA from the outset, the country has welcomed more technical assistance and investment opportunities.²⁹⁴ There is a reciprocal increasing need for the EU to open up markets for transport services in the South Caucasus. The importance of regional transit also came up in the interview with the head officer at the DG MOVE in Brussels:

We have mutual benefits to gain from sharing and operating our respective transport chain and the same rules and requirements. And there are projects which could take benefit of that when it comes to the carriage of goods for instance from Caspian Sea to the EU through the Black Sea.²⁹⁵

TRACECA enabled the EU to extend the European transport network, to access alternative transportation routes, and to set up intermodality of transport systems. The transit corridor has also enhanced capacity for production growth in the partner countries. In addition, TRACECA has facilitated trade by creating an environment for the unobstructed flow of goods and a single window system at customs. Carriage of goods by maritime, road, railway and civil aviation has also strengthened regional links between the European, South Caucasus and Central Asian countries. Cooperation in technical areas among the partner countries is also seen to have contributed to a political solution of existing conflicts. Bearing in mind the safety and security of cargo transportation, regional stability has been of major importance for the EU, as the head of team of experts at the PS IGC TRACECA underlined.²⁹⁶ Separately, although regional agreements in transport are unlikely to solve territorial disputes between Armenians and Azerbaijanis, common work on technical issues with very specific purposes, can contribute towards a gradual settlement of their dispute.²⁹⁷ Overall, technical assistance for seamless transportation and a functional corridor shows tangible sectoral progress in the EU's engagement with the region.

While TRACECA aimed to stimulate transport operations in the member countries through the East-West Transport Corridor, Russia proposed a North-South Transport Corridor at the European Commission session in Helsinki in 1993.²⁹⁸ Although that route was a direct maritime, rail and road option running from India to Europe, Western countries continued to bypass Russia. TRACECA has existed next to other regional economic unions, the most notable of these being the Eurasian Economic Community (EAEC), with an agenda of unified transport, and the Central Asia Regional Economic Cooperation (CAREC), advancing regional transport and trade.

²⁹⁴ Interview 56.

²⁹⁵ Interview 43.

²⁹⁶ Interview 50.

²⁹⁷ Interview 43.

²⁹⁸ Vladimir Kolossov and Rostislav Turovsky, "Russian Geopolitics at the Fin-de-siecle" in *The Changing Geopolitics of Eastern Europe*, eds. Andrew H. Dawson and Rick Fawn (London: Frank Cass, 2002), 160.

Cooperation among the South Caucasus countries across TRACECA corridor demonstrates the EU's consistent policy regarding transport to the South Caucasus.

3.3.2. Energy Diversification

Their growing economies and uncertainties in Russia's actions, have prompted the EU countries to diversify their energy supply from Central Asia through the South Caucasus. Since the 1990s, the European states have pursued the investment in the construction of pipelines, the extraction of oil and gas from Central Asia transported through the South Caucasus. The Commission and the Council, on their part, have expressed support of the pipeline infrastructure development. As a result, the domestic economies of Georgia and Azerbaijan have benefited with export growth and increased government revenues. In addition, energy diversification has forged the political and economic independence of these transit countries.

By controlling sources of supplies and their transportation routes, Russia has exerted economic and political leverage over the Central Asia. The region is significant in terms of proven and estimated oil reserves, reaching 190 billion barrels.²⁹⁹ In the early 2000s, almost all oil pipelines in Kazakhstan, the country with an abundance of hydrocarbon resources, crossed Russia.³⁰⁰ In 2006, US Vice President Dick Cheney, being discontent with this, called Russia's use of oil and gas "tools of intimidation either by supply manipulation or attempts to monopolise transportation."³⁰¹ This monopoly decreased in 2005, when one-third of total oil exports from the Caspian fields went to Iran and China, and two-thirds transited through Russia, of which only a quarter travelled through Georgia and Azerbaijan.³⁰² The EU has been increasing its cooperation with Central Asian countries with a special focus on Kazakhstan, but has not been observant of conditionality principles towards the local political elites.³⁰³ In its policy conduct, Kazakhstan has sought a "multi-vector" policy as well as that of "Eurasianism," which cultivates good relations with all external powers.³⁰⁴ This multilateral foreign policy and energy diversification increased Kazakhstan's

²⁹⁹ Mehdi Parvizi Amineh, *Towards the Control of Oil Resources in the Caspian Region* (New York: St. Martin's Press, 1999), 80.

³⁰⁰ Sally N. Cummings, "Eurasian Bridge or Murky Waters between East and West? Ideas, Identity and Output in Kazakhstan's Foreign Policy," in *Ideology and National Identity in Post-Communist Foreign Policies*, ed. Rick Fawn (London: Routledge, 2004), 140.

³⁰¹ Lisbeth Kirk, "Cheney Rebukes Russia over Energy 'Blackmail' and Human Rights," EU Observer, 2005, Accessed 14-11-14, <http://euobserver.com/9/21522?print=1>.

³⁰² Paata Tsagareishvili and Gogita Gvenetadze, "New Caspian Oil Production Will Bypass Russian Transport," *Oil and Gas Journal* 29 (2009): 54.

³⁰³ Luca Anceschi, "The Tyranny of Pragmatism: EU-Kazakhstani Relations," *Europe-Asia Studies* 66 (2014): 5.

³⁰⁴ Richard Weitz, "Kazakhstan and the New International Politics of Central Asia," Silk Road Paper 2008, Washington: CACI, Accessed 8-02-14, <http://www.hudson.org/files/documents/Kazakhstan%20and%20the%20New%20International%20Politics%20of%20Eurasia-Weitz-CACI-2008.pdf>, 185.

exports to Europe. As Adam Hug found, in 2010 the EU made up 39.4% of Kazakhstan's overall exports and the European imports constituted 25.5% of the country's total imports after Russia and China.³⁰⁵ The EU became Kazakhstan's largest export market and the European countries continued to invest in Kazakhstan. In recent years, China has emerged out of various players, including India, Japan and South Korea.³⁰⁶ China's growing presence was made possible by consumption demand and by the Shanghai Cooperation Organisation (SCO). As Alexey Malashenko outlines, Central Asian states have pursued strategies that entailed relations with various economic and political forces in China, Russia, countries of Europe and wider Muslim world.³⁰⁷ Paata Tsagareishvili and Gogita Gvenetadze conclude that the oil transportation corridor through the South Caucasus has ultimately created competitiveness in the Caspian.³⁰⁸ Despite deliveries to Europe and China, after 2008, and with the presence of a strong national company, JSC KazMunaiGaz, Kazakhstan returned from trans-Caspian transportation to the Russian market.³⁰⁹ Turkmenistan, which is a key gas producer in Central Asia, also declined to participate in the South Caucasus corridor to transport gas through pipe or to ship Liquefied Natural Gas (LNG).³¹⁰ The diversification of Central Asian resources has to a certain extent changed Russia's position within the region.

Energy sensitivity remained a principal factor in EU-Russia relations prior to 2008. The EU had already decided to decrease dependence on Russian and Middle Eastern energy by diversifying supplies from the Caspian with alternative routes through the transit corridors of Azerbaijan, Georgia, and Turkey. This policy was welcomed in both Georgia and Azerbaijan because, since 1993, these countries have sought to attract Western investment to reduce dependency on Russia and to gain international support for conflict resolution. The head of the EU delegation to Azerbaijan agrees that the EU has thus attributed great importance to Azerbaijan as an energy partner.³¹¹ The Council official responsible for the assessment of external energy and their foreign policy implications observes that dictated more with global politics rather than market economics, Georgia looks favourably on transit-related policy decisions that also guarantee the country's economic stability.³¹² Another official notes the EU's interest in greater diversification of sources of

³⁰⁵ Adam Hug and Feng Zhang, *Kazakhstan at Crossroads: Kazakhstan and the World* (London: The FPC, 2010), 2.

³⁰⁶ Adam Hug, *Kazakhstan at a Crossroads: Governance, Corruption, and International Investment* (London: The FPC, 2010), 4.

³⁰⁷ Alexey Malashenko, *The Fight for Influence: Russia in Central Asia* (Moscow: Carnegie Endowment for International Peace, 2013).

³⁰⁸ Tsagareishvili and Gvenetadze, "New Caspian Oil Production," 55.

³⁰⁹ Martha Brill Olcott, "KazMunaiGaz: Kazakhstan's National Oil and Gas Company," Carnegie Endowment for International Peace, 2007, Accessed 12-01-14, http://carnegieendowment.org/files/Kaz_Olcott.pdf, 8.

³¹⁰ Tomasz Sikorski, "Implications of Opening of New Pipelines in Central Asia," *The Polish Institute of International Affairs Bulletin* 5 (2010): 161.

³¹¹ Interview 48.

³¹² Interview 15.

supplies and investment in the region.³¹³ However, as a head of unit on relations with Russia at the European Commission clarifies, energy interests provide a further reason for wanting to maintain stability and predictability in the South Caucasus: “[o]ur interest is not confined to the energy interest alone. We have interests also related to trade and investment in the wider sense but also [that] prosperity and democracy are encouraged in the region.”³¹⁴ To meet Europe’s rising energy demands, the Commission scrutinised its energy policy to avoid tensions with Russia:

The key will be to facilitate the transportation of Caspian resources towards Europe, be it via transit through Russia or through other transport routes. Indeed, secure and safe export routes for Caspian oil and gas will be important for the EU’s security of energy supply.³¹⁵

Dispute between Turkey and Armenia complicate transit from Central Asia and the Middle East via Azerbaijan to Turkey. As the personal representative of SG/HR for CFSR for energy and security policy explained, the most pressing issue in the region in 2009 was unblocking the way between Azerbaijan and Turkey via Armenia.³¹⁶ On Turkish-Armenian rapprochement, the Azerbaijani side holds that the border between the two has to remain closed.³¹⁷ Ankara’s foreign policy, under the Foreign Minister Ahmet Davutoğlu, in 2009-2014 advanced energy cooperation with Europe.³¹⁸ The EU now accounts for half of the country’s exports and tourism, and, likewise, the EU’s energy security depends on transportation through Turkey.³¹⁹ Despite increasing cooperation, the EU has not been able to open the transit route to Turkey.

The interlinked economic relations between the Western states and the South Caucasus require an overview of the pipeline system in Central Asia and the South Caucasus. The oil and gas pipeline network in the region presently constitutes a system of three major oil pipelines and six current and projected gas pipelines.³²⁰ The three oil pipelines are the Baku-Tbilisi-Ceyhan (BTC) pipeline, that carries oil to the Turkish port of Ceyhan through Azerbaijan, Georgia and Turkey, the Baku-Supsa oil pipeline, that connects Baku with the Black Sea port of Supsa, and the Baku-Novorossiysk pipeline (Northern route) running northwards. This last pipeline brings oil from Baku to the Russian port of Novorossiysk and is operated by the State Oil Company of Azerbaijan Republic (SOCAR), and the Russian Oil Transporting JSC Transneft.

³¹³ Interview 9.

³¹⁴ Interview 10.

³¹⁵ Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, “Development of Energy Policy for the Enlarged European Union, Its Neighbours and Partner Countries,” COM (2003) 262, Brussels, 2003, Accessed 12-01-14, http://ec.europa.eu/dgs/energy_transport/international/doc/2003_communication_en.pdf, 12.

³¹⁶ Interview 15.

³¹⁷ Interview 52.

³¹⁸ Gamze Coşkun, “The New Face of Turkish Foreign Policy and its Repercussions Following the Arab Uprisings,” *Caucasus International* 3 (2013): 75.

³¹⁹ Gareth Winrow, “Turkey and EU Energy Security,” in *Turkey in Europe*, ed. Adam Hug (London: The FPC, 2008), 66.

³²⁰ See Table 2.

Table 2

Select Pipelines in the South Caucasus and Central Asia



Source: The Economist. 2015.

The six existing and projected gas pipelines in the region are BTE, Trans-Caspian, Nord Stream, Blue Stream, White Stream, and the Trans-Anatolian gas pipeline (TANAP). The South Caucasus pipeline, known as Baku-Tbilisi-Erzurum (BTE), transports gas from Shah Deniz gas fields in Azerbaijan to Turkey and is owned by BP, a Norwegian multinational Statoil ASA, SOCAR, the Russian oil company OAO Lukoil, the French multinational Total SA, the National Iranian Oil Company (NIOC), and Turkish national oil and gas company, Türkiye Petrolleri Anonim Ortaklığı (TPAO). The Trans-Caspian gas pipeline, which is expected to bring gas from Turkmenistan and Kazakhstan through Azerbaijan and Georgia to Turkey, is supported by the EU and SOCAR. Taking into account the high demand for gas, as the head of EU delegation to Azerbaijan stated, the implementation of the Trans-Caspian gas pipeline is a good opportunity to diversify energy supplies to the EU.³²¹ The Nord Stream that brings gas from Russia via the Baltic Sea to Germany, is operated by the Russian gas company, Gazprom, the German company, Badische Anilin- & Soda-Fabrik (BASF) SA, gas companies of European-holding E.ON Ruhrgas, and NV Nederlandse Gasunie. The Trans-Black Sea pipeline, or the Blue Stream, also run by Gazprom, and ENI is projected to carry gas from Russia to Turkey. The Southern Corridor, for which the Council and Commission expressed their political support to diversify supply routes, presently comprises two concurrent pipeline projects – White Stream and TANAP. This gas corridor is expected to deliver

³²¹ Interview 48.

60 to 120 bcm natural gas per year to the EU, relative to the total European gas demand for 500 bcm.³²² According to an energy consortium representative, White Stream, which is a Georgia-Ukraine-EU initiative to transport gas from the Caspian to Romania, Ukraine, and Central Europe,³²³ is “the project of the common European interest” and “reinforces the EU’s other southern corridor projects.”³²⁴ Two gas pipeline projects – the South Stream, which was to run from Russia to Bulgaria, and Nabucco, from Azerbaijan via Georgian-Turkish border to Austria – were suspended. The first created controversies about noncompliance with competition rules by Russia and Bulgaria and the latter was considered commercially unfeasible.³²⁵ Nabucco was replaced by TANAP, financed by SOCAR, the Turkish state-owned petroleum corporation BOTAŞ, and the TPAO, that would deliver gas from Azerbaijan through Turkey to Europe. The involvement of the European and regional multinational companies in the construction of oil and gas pipelines demonstrates their interlinked economic relations.

Since the 1990s, the Western governments and transnational corporations have accessed the Caspian resources via three major oil pipelines: the BTC and Baku-Supsa oil pipelines, and the BTE gas pipeline. The EU’s primary interest in the region began with the BTE pipeline to secure transportation of gas from Turkmenistan via Azerbaijan and Turkey to Europe.³²⁶ It was decided that three pipelines would run across Georgia along the Kura basin that hosts Azerbaijan’s oil fields.³²⁷ The shortest route, which ran as a straight line across Iran and Armenia, was rejected because of those countries’ close relations with Russia, together with Azerbaijan’s opposition to Armenia’s exclusion, due to the Nagorno-Karabakh conflict.

The construction of the BTC was considered one of the biggest energy projects since the demise of the Soviet Union. The US invested USD 3.7 billion in the construction of this key east-west energy corridor to ensure the economic independence of the newly independent states.³²⁸ As BTC was

³²² Council of the European Union, Declaration of the Prague Summit, “Southern Corridor,” Prague, 2009, Accessed 29-01-14, <http://www.eu2009.cz/assets/news-and-documents/press-releases/the-declaration---prague-summit--southern-corridor--may-8--2009.pdf>.

³²³ White Stream Pipeline Company Ltd, White Stream Pipeline Project, Briefing Note 25.10.09, White Stream Consortium GUEU, London, 2009, Accessed 2-07-10, <http://www.white-stream.com>, 2.

³²⁴ Interview 23.

³²⁵ Gazprom JSC, Management Report OAO Gazprom, Moscow, 2011, Accessed 22-02-13, <http://www.gazprom.com/f/posts/05/636836/gazprom-ifrs-management-report-en.pdf>, 17; Nabucco Gas Pipeline International, Project Description, 2009, Accessed 6-07-09, <http://www.nabucco-pipeline.com/company/shareholders7/table-of-content-shareholder.html>.

³²⁶ Gulmira Rzaeva, “A Complicated Corridor: Gas to Europe – It’s Not Just Economies,” *Caucasus International* 2 (2012): 145.

³²⁷ Michael P. Croissant, “Georgia: Bridge or Barrier for Caspian Oil?” in *Oil and Geopolitics in the Caspian Sea Region*, eds. Michael P. Croissant and Bülent Aras (Westport: Praeger, 1999), 277.

³²⁸ Soner Cagaptay and Nazli Gencsoy, “Startup of the Baku-Tbilisi-Ceyhan Pipeline: Turkey’s Energy Role,” Policy Watch No 998, Washington: The Washington Institute for Near East Policy, 2005, Accessed 12-01-14, <http://www.washingtoninstitute.org/templateC05.php?CID=2319>.

owned by a European consortium, with the largest share held by the multinational energy company, British Petroleum (BP), the West was closely involved in the region.³²⁹ Critical of this project, Russian officials pointed out the economic ineffectiveness of the BTC.³³⁰ After its completion, Azerbaijan, Georgia and Turkey earned substantial revenues through pipeline transit fees. To a certain extent, the economic growth of Georgia and Azerbaijan counterbalanced Russian economic dominance.³³¹ The energy diversification achieved with these projects affected Russia's ability to influence the political situation in both countries. Nevertheless, Russia remains a dominant force in the South Caucasus and Caspian region because it retains control of other oil and gas pipelines.

3.3.3. EU Maritime Transport Policy Reinforced by the IMO

EU transport policy also rests on the multilateral work of the EU conducted in conjunction with the UN and its specialised agency the IMO. By considering multilateral dimensions in its external relations, the EU endorses the UN millennium development goals, that include transport infrastructure, an area in which the EU can add value by drawing on its expertise.³³² As a representative of the European Commission to the IMO noted, the EU assists the Black Sea and Caspian Sea coastal states to implement their maritime legislations by synchronising various existing initiatives conducted in cooperation with the European Commission and the IMO.³³³ To address common challenges related to the pollution of the marine environment in littoral states in the Black Sea, the EU facilitates the adoption of regional legislation whereas the IMO provides technical backstopping for the implementation of global maritime conventions. As the head of the CIS and Eastern Europe section at the IMO explained, the IMO encourages cooperation among national maritime administrations in the Black Sea and the Caspian Sea by implementing technical cooperation activities to control oil pollution preparedness and response.³³⁴ As the director of the International Tankers Owners Pollution Federation – ITOPF commented, given low tanker traffic density and fewer natural maritime hazards, the Black Sea is considered a relatively safe area for shipping.³³⁵ Environmental problems in the Black Sea, which is one of the world's largest marine environments with a surface area of 420,000 km², are partly caused by oil pollution since the

³²⁹ Eduard Shevardnadze, *Pikri tsarsulsa da momavalze* [Reflections on the Past and Future], (Tbilisi: Palitra, 2006), (in Georgian), 330-455.

³³⁰ Pravda, "Moscow Negative About Baku-Ceyhan Pipeline," Economics, Moscow, 13 January 2004, Accessed 6-12-14, <http://english.pravda.ru/russia/economics/13-01-2004/4565-pipeline-0/>.

³³¹ Elmar Mammadyarov, "Beyond Energy," *The Journal of International Security Affairs* 13 (2007): 85.

³³² Commission of the European Communities, *A World Player – The European Union's External Relations*, Brussels: DG for Press and Communication Publication, 2004, 16.

³³³ Interview 16.

³³⁴ Interview 17.

³³⁵ Interview 21.

majority of oil input is chronic.³³⁶ However, owing to the amount of oil transported through the region, as the director of international oil pollution compensation funds indicated in 2009, Georgia was still regarded as a high risk area for oil spill incidents.³³⁷ The South Caucasus countries, therefore, remain party to the international liability and compensation regime based on the 1992 Fund Convention.³³⁸ The IMO facilitates relations between national governments and the petroleum industry to ensure preparedness in the event of major oil pollution incidents.³³⁹ These companies also seek to monitor the EU's projects on maritime actions in the region.³⁴⁰

As for ecological insecurity and water governance, the South Caucasus is also in the high risk category of the states facing political instability as a consequence of climate change.³⁴¹ The INGOs, indicating the single ecosystem for Armenia, Azerbaijan and Georgia around the shared Kura-Aras River, encourage them to take mitigation measures for river management that transcends borders.³⁴² It is in this line of reasoning that a programme associate at the United Nations Development Programme (UNDP) in Azerbaijan emphasised a holistic approach for sustainable development for economic growth.³⁴³ The EU harmonises its activities in legislative compliance and technical cooperation with other international actors, which, in this case represents a case for the consistent nature of EU policy formulation and implementation towards the South Caucasus.

By examining the regulatory alignment, a common transport area, technical assistance and the application of restrictive measures taken by the EU, this subchapter has proved that, with regard to the transport sector, EU foreign policy towards the South Caucasus countries has been coherent. Economic integration and energy relations are expected to bring stability in the region. Although unauthorised maritime entry that occurs in Abkhazia circumvents the EU's transport relations in the South Caucasus, results found in this chapter lend support to the argument that the EU's cooperation with the South Caucasus in transport has been coherent.

³³⁶ International Tankers Owners Pollution Federation Ltd, Country Profile: Georgia, London, ITOPF, 2006, Accessed 29-01-14, <http://www.itopf.co.uk/information-services/country-profiles/individual.html#glist>, 2.

³³⁷ Interview 20.

³³⁸ International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992, London, 1992, IOPC Funds, Accessed 27-01-14, http://www.iopcfunds.org/fileadmin/IOPC_Upload/Downloads/English/Text_of_Conventions_e.pdf.

³³⁹ Interview 18.

³⁴⁰ Interview 22.

³⁴¹ Dan Smith and Janani Vivekananda, *A Climate of Conflict: The Links between Climate Change, Peace and War* (London: IA, 2007), 19.

³⁴² International Alert, "Global Trends and Threats and the South Caucasus," Alert's Regional Roundtable in Georgia, 28-04-10, General News, Accessed 2-02-14, <http://legacy.international-alert.org/fr/news/global-trends-and-threats-and-south-caucasus>.

³⁴³ Interview 51.

Chapter 4. International Involvement in the South Caucasus Conflicts

This chapter argues that mediation in the South Caucasus conflicts of western nations and international actors prevented the EU from engaging in conflict resolution. The EU was unable to address the underlying regional security and, in particular, the destabilising role of Russia. This chapter first examines three phases in the foreign policy conduct of Georgia: in 1991-1995 Georgia sought good relations with Russia, in 1996-2003 the country reoriented towards the West, and in 2004-2013 it pursued an intense European and Euro-Atlantic policy. This chapter then investigates the causes and consequences of wars in Abkhazia and South Ossetia, arguing that autonomous statuses created in the soviet constitutions and nationalistic tendencies, prepared the ground for ethnic conflicts. Subchapter three observes Russia's ambivalent foreign policy towards Georgia, which was apparent in its role as an interlocutor in signing peace agreements about South Ossetia (1989-1991) and Abkhazia (1992-1993), while offering assistance in mediating peace.

Subchapter four examines Georgia's European and Euro-Atlantic policy, which affected relations with Russia and influenced the escalation of the armed conflict. This overview has particular relevance for the analysis about the resumption of hostilities and the EU's mediation therein, that is discussed in subchapter five on EU engagement without recognition strategy towards Abkhazia and South Ossetia. After shedding more clarity on definitions of mediation and conflict resolution, the same subchapter touches upon involvement of the UN and CSCE/OSCE in conflicts in Georgia and refers to the absence of the EU from Nagorno-Karabakh. Subchapter six argues that, despite its isolation, Abkhazia is asserting itself with nascent trends of statebuilding. The seventh subchapter examines the EU's external policy with civil society in the region. Subchapter eight makes comparative analysis of the EU's engagement with Northern Ireland, suggesting implications that can be drawn from the Northern Irish peace process for the EU's eastern neighbourhood.

4.1. Foreign Policy of Georgia in 1991-2013

After regaining its independence, Georgia struggled to define its national identity and formulate both domestic and foreign policy priorities. The Georgian Government adopted a differentiated policy, simultaneously seeking good relations with Russia between 1991 and 1995, and increasingly reorienting towards the West from 1996 to 2003, with an intense European and Euro-Atlantic policy in 2004-2013. The first two phases fall within the foreign policy agenda of President Eduard Shevardnadze (1993-2003), and the third within that of President Mikheil Saakashvili (2004-2013).

National identity was essential for building a state after the independence. Fawn writes that foreign policy and inclusion in Europe were important aspects in the creation of national identity among post-Soviet states. These included two major elements: reorientation from Marxism-Leninism ideology, and the emergence of collective identities of nationhood.³⁴⁴ Stephen Jones notes that foreign policy in Georgia underwent a “re-ideologization of politics,” which was as an instrument used by new elites to assert legitimacy through a new national identity.³⁴⁵ Writing on cultural paradigms in Georgian foreign policy, Jones does not identify a single ideology across four suggested paradigms: a religious identity, a Western identity, pan-Caucasianism and anti-Russianism.³⁴⁶ As Jones argues, whilst Georgian foreign policy has been reactive, economic difficulties, civil war and the Soviet legacy manifested in 2008 characterise three decades of struggle to form statehood.³⁴⁷ In a militarised country, state leaders attempted to align themselves with the Western capitals. With this alignment policy, Georgia aspired to re-embrace a European identity that the state leaders and educated elite have claimed to be lost after the Bolshevik advancement. In geopolitical terms, the country retained its Caucasus identity and, to distinguish itself from Russia, ascribed itself a re-emerged South Caucasus identity, as well as a more westwards-leaning Black Sea identity as a way to stabilise the region.

From 1991 to 1995, Georgia experienced a domestic crisis that reflected on its foreign policy. Identified with anti-Soviet sentiments, Zviad Gamsakhurdia, a leader of the nationalist bloc Round Table within the Supreme Council that convened the first parliamentary elections, was elected as its Chairman and in May 1991 became the first president of Georgia. After confrontations between supporters of President Gamsakhurdia and his opponents, that descended into civil war in Tbilisi in 1991, the Military Council, headed by Prime Minister Tengiz Sigua, Commander of National Guard Tengiz Kitovani, and Jaba Ioseliani, the leader of Paramilitary Mkhedrioni, deposed President Gamsakhurdia in 1993.³⁴⁸ In March 1992 Eduard Shevardnadze, previously the First Secretary of the Georgian Communist Party (1972-1985), and Soviet Foreign Minister (1985-1991), was invited to head the State Council. The state was too weak to enforce its jurisdiction in Georgia’s south-western autonomy of Adjara where, to prevent atrocities, Aslan Abashidze, the leader of the Autonomous Republic of Adjara, closed the border, that was only regained in 2004 by the central government. The retention of an autonomous status for Adjara demonstrates the existence of the

³⁴⁴ Rick Fawn, “Ideology and National Identity in Post-Communist Foreign Policies,” *Journal of Communist Studies and Transition Politics*, 19 (2003): 2-6.

³⁴⁵ Stephen Jones, “The Role of Cultural Paradigms in Georgian Foreign Policy,” in *Ideology and National Identity in Post-Communist Foreign Policies*, ed. Rick Fawn (London: Routledge, 2004), 85.

³⁴⁶ Jones, “The Role of Cultural Paradigms in Georgian Foreign Policy,” 86.

³⁴⁷ Jones, *Georgia: A Political History since Independence* (London: Tauris, 2013).

³⁴⁸ Giorgi Anchabadze, *The History of Georgia: An Essay* (Tbilisi: Kavkasiuri Sakhli, 2005).

good practice of autonomy in Georgia. Ethnic tensions, fuelled with nationalistic sentiments in artificially created federal structures, caused armed confrontation between the Georgian and separatist minorities, first in South Ossetia in 1991-1992 and then in Abkhazia in 1992-1993.

The peace agreements that Georgia signed with Russia, concerning wars in South Ossetia and Abkhazia, legitimised the continuance of the Soviet military base in Gudauta and the Russian troops along the conflict lines. Otari Janelidze and Nodar Asatiani recount that Georgia sought Russia's mediation in the conflicts despite its support to the separatist entities.³⁴⁹ In March 1993, President Shevardnadze openly declared conflict with Abkhazia as a conflict between Russia and Georgia. Irrespective of such a stance, with the peace agreements that Georgia signed on South Ossetia (Kazbegi Protocol on Disarmament 1991,³⁵⁰ Dagomisi Agreement on Conflict Settlement 1992³⁵¹), and Abkhazia (Moscow Agreement on Ceasefire 1992,³⁵² Sochi Agreement on Ceasefire 1993,³⁵³ Moscow Agreement on Ceasefire and Separation of Forces 1994³⁵⁴), Russia solidified its military peacekeeping presence. It is striking that the signatories of the peace agreements are Georgia and the Russian Federation; Abkhazia and South Ossetia are absent from the documents. This indicates that Russia, as a signatory of peace agreements, was a party to the conflicts.

Anti-Russian sentiment arose in Georgian society during the war period, but officially, Tbilisi established diplomatic relations in pursuit of good neighbourly relations with Russia in July 1992. In 1994, the two countries signed a document on the fundamental principles of the bilateral relations Framework Agreement on Friendship, Good Neighbourly Relations and Cooperation, that the Georgian Parliament approved but the Russian State Duma did not ratify, causing a renewed *impasse*. The ambiguity of Georgia's foreign policy was also reflected in Georgia's forced accession to the CIS in 1993 and to the Collective Security Treaty Organization (CSTO), created by Russia as an alternative security organisation. President Shevardnadze explained such foreign policy as "a way of returning Abkhazia."³⁵⁵ The institutional format of the CIS provided some

³⁴⁹ Otari Janelidze and Nodar Asatiani, *History of Georgia: From Ancient Times to the Present Day* (Tbilisi: Petite, 2009).

³⁵⁰ Protokol o vstreche i peregovorakh Predsedatelya Verkhovnogo Soveta Rossiiskoi Sovetskoi Federativnoi Respubliki i Predsedatelya Verkhovnogo Soveta Respubliki Gruzii, Kazbegi, 1991, Accessed 25-10-13, <http://www.noar.ru/files/content/80.pdf>, (in Russian).

³⁵¹ Soglasenie o printsipakh uregulirovaniya gruzino-osetinskogo konflikta, Dagomisi, Sochi, 1992, Accessed 25-10-13, <http://www.smr.gov.ge/docs/doc110.pdf>, (in Russian).

³⁵² Itogovii dokument moskovskoi vstrechi 3 sentyabrya 1992 goda Rossiya-Gruzii, Moskva, 1992, Accessed 25-10-13, <http://www.un.org/ru/peacekeeping/missions/past/unomig/24523.pdf>, (in Russian).

³⁵³ Soglasenie o prekrashenii ognia v abkhazii i mekhanizme kontrolya za ego soblyudeniem, Sochi, 1993, Accessed 25-10-13, <http://www.un.org/ru/peacekeeping/missions/past/unomig/s26250.pdf>, (in Russian).

³⁵⁴ Soglasenie o prekrashenii ognia i razdelenii sil, Moskva, 1994, Accessed 25-10-13, <http://www.un.org/ru/peacekeeping/missions/past/unomig/94-583.pdf>, (in Russian).

³⁵⁵ Janelidze and Asatiani, *History of Georgia*, 461.

benefits of economic cooperation to the CIS members.³⁵⁶ In addition, subregional cooperation emerged within the CIS among Georgia, Ukraine, Azerbaijan and Moldova, referred to as GUAM – the Organization for Democracy and Economic Development.³⁵⁷ Although Georgia's presence in the CIS was regarded as politically and economically not viable, Georgia did not manage to leave the CIS until 2008. In response to Georgia's *demarche*, the mandate of the United Nations Observer Mission in Georgia (UNOMIG), established in 1993 to monitor ceasefire and the CIS forces, was not renewed when it ended in 2009, due to Russia's opposition within the Security Council.

In the first few years of its independence, Georgia struggled to secure international recognition. Instead of democracy as the criterion for recognition, it was the personality of Eduard Shevardnadze that was crucial in favouring recognition of the regime's lack of legitimacy. Despite apparent democracy, it was not until the Soviet Union disintegrated, and Shevardnadze pledged to respect disarmament that Georgia received recognition.³⁵⁸ Among the EC/EU, Germany was the first country to recognise Georgia's sovereignty in 1992.³⁵⁹ Since then, Georgia has established bilateral relations with over 110 countries, and acceded to European intergovernmental institutions. A political culture with a European identity was famously voiced in a declaration by the Chairman of the Parliament, Zurab Zhvania, before the Parliamentary Assembly (PACE) upon joining the CoE: "I am Georgian and therefore I am European."³⁶⁰ With political alignments, the state accessed foreign economic assistance from the large financial institutions, the World Bank, the International Monetary Fund (IMF), and the European Bank for Reconstruction and Development (EBRD). With accession to European institutions, the Georgian political elite tried to distance itself from Russia. The economic importance of inclusion in the TRACECA corridor motivated Georgia to turn to the West as well as to retain its regional identity. Regional trade interests prompted the country to maintain a balanced policy by participating in an emerging Organization of Black Sea Economic Cooperation (BSEC). Although Georgia gradually managed to place itself in the international arena by embracing a European identity, instability caused by the wars persisted in Georgia.

³⁵⁶ Joop de Kort and Rilka Dragneva, "Russia's Role in Fostering the CIS Trade Regime," Working Paper, The Netherlands: Leiden University, 2006, Accessed 29-04-14, <http://media.leidenuniv.nl/legacy/jdk-2006-03.pdf>, 9.

³⁵⁷ Paul Kubicek, "The Commonwealth of Independent States: An Example of Failed Regionalism?" in *Globalising the Regional Regionalising the Global*, ed. Rick Fawn (Cambridge: Cambridge University Press, 2009), 246.

³⁵⁸ Rick Fawn and James Mayall, "Recognition, Self-Determination and Secession in Post-Cold War International Society," in *International Society after the Cold War: Anarchy and Order Reconsidered*, eds. Rick Fawn and Jeremy Larkins (London: Macmillan, 1996), 202-06.

³⁵⁹ Das Auswärtige Amt der Bundesrepublik Deutschland, Georgien, Politische Beziehungen zu Deutschland, Deutschland, 2012, Accessed 23-01-13, <http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/Georgien/Bilateral.html>, (in German).

³⁶⁰ Parliamentary Assembly of the Council of Europe, Statement by Mr Zurab Zhvania, President of the Parliament of Georgia, Ordinary Session, 4th Sitting, 27 January 1999, Official Report of Debates, Part 1, Volume 1, Strasbourg: PACE, 136.

The EU had limited itself to reactions to the political and economic restrictions that Russia had imposed on Georgia since 2000. Initially, Russia introduced a visa regime in Georgia that was not applied to the residents of Abkhazia and South Ossetia. Russia then encouraged them by conferring on them Russian citizenship, and on the elite level, by supporting *de facto* presidents.³⁶¹ For example, Vladimir Putin, the President of the Russian Federation received the presidential candidate, Raul Khajimba, in Sochi before the 2004 election in Abkhazia. The presidential inauguration of an opposition candidate, Sergei Bagapsh, who won the election, was attended by the representatives of State Duma and the Moscow City Hall. The European Commission refrained from statements on elections. The European Parliament noted in its resolutions that elections in Abkhazia were illegitimate.³⁶² Despite the ambiguity of relations, President Shevardnadze and President Putin met in March 2003 in Sochi and reached an agreement about the restoration of railway connections between Georgia and Russia.³⁶³ After resumed negotiations during the *interim* presidency of Nino Burjanadze, the Chairperson of the Parliament in 2004, the disruption of energy supplies and an embargo on Georgian wine averted this rapprochement. The EU again limited itself to a Parliamentary resolution calling on the Russian authorities to lift the ban on Georgian imports.³⁶⁴ In the second and third phases, running from 1996 to 2003 and from 2004 to 2013, Georgia re-orientated its focus towards the West and pursued stronger integration into the European family of states. During this time, the EU has not adopted a coherent policy in conflict resolution.

4.2. Conflicts in South Ossetia and Abkhazia³⁶⁵

This subchapter examines wars in South Ossetia and Abkhazia. First identifying the origins of the wars, it offers suggestions for a varied interpretation of the Soviet constitutions and the practice of autonomies that created the two political-territorial entities of the Autonomous Republic of Abkhazia, and the SOAR. Ethnic tensions and a nationalist ideology reinforced by elites nurtured secessionist movements, causing their *de facto* fragmentation outlined in the second section.

³⁶¹ Office of the State Minister of Georgia for Reintegration, "Russian Aggression of Georgia: Escalation of Crises 2004 – August 2008: Russian Policy Toward Georgia in the Months Before the Invasion," Tbilisi: Government of Georgia, 2010, Accessed 15-07-10, http://smr.gov.ge/uploads/file/Escalation_of_crisis.pdf, 1.

³⁶² European Parliament, Resolution on Georgia, P6 TA (2004), 14 October 2004, Brussels, Accessed 10-04-14, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B6-2004-73&language=EN>, 4.

³⁶³ United Nations, "Europe and Mediterranean," in *Yearbook of the United Nations*, Vol 57 (2003), UN: New York. Accessed 19-11-13, <http://unyearbook.un.org/unyearbook.html?name=isisadvsearch.html>, 430.

³⁶⁴ European Parliament, Resolution on the EU-Russia Summit in Helsinki, P6 TA (2006), 24 November 2006, Strasbourg, Accessed 10-04-14, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2006-0566&language=EN&ring=B6-2006-0636>, 20.

³⁶⁵ The author is grateful to colleagues for their feedback on earlier version of this subchapter presented at the CPCS Conference in St Andrews in 2013, see: Nino Kereselidze, "Violent Conflicts and Socio-Economic Development in the South Caucasus," Paper presented at Development Studies Association Scotland, and Centre for Peace and Conflict Studies Conference "Violent Conflict and Socio-Economic Development," St Andrews, Scotland, 2 September 2013.

4.2.1. Construction of Autonomies in Soviet Constitutions and Nationalist Ideology

The political construction of federal structures in the soviet constitutions is the primary reason for ethnic tensions. The study of three constitutions of the Union of Soviet Socialist Republics (USSR) from 1924, 1936 and 1977³⁶⁶ show that autonomies as political-territorial entities originated in the 1924 Constitution and were incorporated into the union level republics in the later constitutions.

The 1924 Constitution did not suggest a definition of autonomy but instead mentioned that the “autonomous republics of Adzharya and Abkhazya as well as autonomous regions (*oblasts*) of Yugo-Osetya, Nagorny Karabakh and Nakhichevanskaya” delegate one representative to the soviet of nationalities of the Central Executive Committee.³⁶⁷ Constitution of the Democratic Republic of Georgia of 1921 viewed the autonomy of Abkhazia differently, stating that “integral parts of Georgia Abkhazia (Sokhumi district), the Muslim Part of Georgia (Batumi district) and Zaqatala (Zaqatala district³⁶⁸) were granted autonomous governance.”³⁶⁹ The 1936 Constitution clarified that the Azerbaijan Soviet Socialist Republic (Azerbaijan SSR) was composed of the Nakhichevanskaya Autonomous SSR and Nagorno-Karabakh Autonomous Region (*Oblast*) (NKAO); and the Georgian Soviet Socialist Republic (Georgian SSR) included Abkhazian and Adzharian autonomous SSRs and the Yugo-Osetyan Autonomous Regions (*Oblast*).³⁷⁰ The 1977 Constitution confirmed relationship of Georgia and Azerbaijan with their autonomies specifying that only a union republic was a sovereign Soviet socialist state, and an autonomous republic and an autonomous region (*oblast*) were its constituent parts.³⁷¹ The Georgian SSR, a union republic since 1921 with 1936 and 1977 constitutions, included the autonomous Abkhazian and Adzharian ASSRs and SOAR. Nagorno-Karabakh was a constituent NKAO in the Azerbaijan SSR. Although an autonomous republic was subordinate to a union republic, in 1977 it received a right to a constitution that opened up a loophole for constitutional claims. The study of Soviet constitutions shows that the three political-territorial entities did not have a constitutional right to sovereignty within the administrative boundaries of Georgia and Azerbaijan.

³⁶⁶ Konstitutsiya (Osnovnoi zakon) Soyuz Sovetskikh Socialisticheskikh Respublik, prinyata vtoroi sessiei TSIK SSSR pervogo sozyva 6 iyulya 1923 goda i v okonchatelnoi redaktsii II sezdom Sovetov SSSR ot 31 yanvarya 1924 goda, 1924, (in Russian); Konstitutsiya (Osnovnoi zakon) Soyuz Sovetskikh Socialisticheskikh Respublik, utverzhdena postanovleniem Chrezvychainogo VIII sezda Sovetov SSSR ot 5 dekabriya 1936 goda, 1936, (in Russian); Konstitutsiya (Osnovnoi zakon) Soyuz Sovetskikh Socialisticheskikh Respublik, Prinyata na vneocherednoi sedmoi sessii Verkhovnogo Soveta SSSR devyatogo sozyva 7 oktyabriya 1977 goda, 1977, (in Russian).

³⁶⁷ Konstitutsiya SSSR, 1924, Art. 15.

³⁶⁸ Zaqatala municipality (district) was the centre of the Tiflis Governorate between 1860-1921, and part of the Democratic Republic of Georgia between 1918-1921 before it was passed to Azerbaijan in 1922.

³⁶⁹ Constitution of the Democratic Republic of Georgia, Constituent Assembly of the Democratic Republic of Georgia, Tbilisi, 1921, Art. 107.

³⁷⁰ Konstitutsiya SSSR, 1936, Arts. 24, 25.

³⁷¹ Konstitutsiya SSSR, 1977, Arts. 76, 82, 86.

Georgian history purports that, from the 3rd century B.C. until the 16th century, Shida Kartli, present day South Ossetia, constituted the head of the principalities (*saeristavo*) within the united Georgian feudal monarchy of the Kingdom of Sakartvelo.³⁷² According to Georgian sources, Ossetians migrated across the Caucasus Mountains in the 17th century, appearing first in the lowlands of Shida Kartli, making the compact settlement that would become SOAR with an administrative centre of Tskhinvali.³⁷³ In the 1880s people of diverse backgrounds lived together in Tskhinvali. In his book, *Young Stalin*, a prequel to *Stalin: The Court of the Red Tsar*, Simon Sebag Montefiore writes about Ioseb Jughashvili, known as the Soviet leader Joseph Stalin, a native of Gori municipality, mentioning that, by the 19th century, the Ossetian population was assimilated with the Georgians and this continued during Stalin's time.³⁷⁴ The political participation of minorities is evident in the demonstrations in 1956 by the Georgians and Ossetians in response to rebuke by Nikita Khrushchev towards the Soviet purges.³⁷⁵ Narratives about the misuse of ethnic diversity to breed confrontations are usually connected to the fallout of the Soviet Union.

Autonomous status was granted to South Ossetia in 1922, with a Decree on Administrative Arrangement of SOAR from 20 April 1922 adopted by the Council on People's Commissariat of Georgia. The administrative arrangement was determined with the Law of the Georgian SSR on SOAR from 1980. The South Ossetian nationalists, encouraged by their kin in North Ossetia within the Russian Federation, rejected their subordinate status and elected the Supreme Council of the South Ossetian SSR in December 1990, contradicting the constitution of Georgia. In response to separatist elections, the Supreme Council of the Democratic Republic of Georgia, in accordance with the 1921 Constitution, passed a bill annulling the 1922 Decree and the Georgian SSR Law, effectively abolishing the autonomous status as well as invalidating the elections of the Supreme Council.³⁷⁶ Similar to the Georgian Government's response, after the Karabakh Armenians adopted the declaration of secession from Azerbaijan, the Azerbaijani Parliament abolished the autonomous status of Nagorno-Karabakh in November 1991,³⁷⁷ and the Azerbaijani minority boycotted a subsequent referendum for independence of the Nagorno-Karabakh Republic (NKR).

³⁷² Leonti Mroveli, "Mepeta tskhovreba" [Life of the Monarchs], in *Kartlis tskhovreba* [The Chronicle of Georgia], ed. Simon Kaukhchishvili, vol. I (Tbilisi: Ganatleba, 1955), 24-25, (in Georgian).

³⁷³ Marika Lortkipanidze, "Kartuli peodaluri monarkiis shekmna" [The Origins of the Georgian Feudal Monarchy], in *Sakartvelos istoriis narkvevebi* [Essays on the History of Georgia], ed. Shota Meskhia, vol. II (Tbilisi: Sabchota sakartvelo, 1955), 321, (in Georgian).

³⁷⁴ Simon Sebag Montefiore, *Stalin: The Court of the Red Tsar* (London: Weidenfeld & Nicolson, 2003); Simon Sebag Montefiore, *Young Stalin* (London: Weidenfeld & Nicolson, 2007), 17.

³⁷⁵ Alina Chaganava, *9 March 1956: Kadrshi da kadrget* [In and behind the Scenes], (Tbilisi: Marji, 2001), (in Georgian), 91.

³⁷⁶ Law on Abolishing the Status of the Autonomous Region of South Ossetia, Supreme Council of the Republic of Georgia, 11 December 1990, Tbilisi, Accessed 11-12-12, http://www.parliament.ge/files/613_8104_833304_-7.pdf.

³⁷⁷ National Assembly of Azerbaijan, Law of Azerbaijan Republic on Abolishing Nagorno-Karabakh Autonomous

The secessionist movement in Abkhazia, a relatively wealthy part of the country which constitutes roughly 9% of Georgia's territory, began with appeals in the late 1980s. In this socially diverse region of Abkhazian ASSR, according to the 1989 population census, out of the total 525,061 population, Abkhazs constituted a minority of 17.8%, Georgians 45.7%, and the rest made up of Armenians, Russian, Greeks, Ukrainians, Ossetians, and Jews.³⁷⁸ Abkhaz scholars refer to this demographic representation as a result of a resettling process in Abkhazia that started in the 19th century, marking the increase in Georgians from 6% of the total population in 1886 to 31.8% in 1926, reaching 17.8% before the outbreak of hostilities.³⁷⁹ In order to manipulate the region, an earlier generation of Soviet leaders created a multiethnic atmosphere by resettling various ethnic groups of Armenians, Russians, Greeks, Ukrainians, Estonians, Lazs, and Turks. The origins of conflicts in former Soviet countries are rooted in rival interpretations of history and demography.

During Soviet times, the Abkhaz minority was represented as proportionally higher than their demographic percentage in local administrations. As Julie George observes, Abkhaz autonomy within Georgia was increasing after Moscow's concessions on their appeals for separation.³⁸⁰ Svante Cornell records the Abkhaz representation within leadership positions in administrative districts (*raikoms*) and regional districts (*obkoms*).³⁸¹ From 1965 to 1985, the percentage of ethnic Abkhazs in positions as *raikoms*' first secretaries increased from 42.9% to 50%, whereas the Georgian representation in the same positions decreased from 57.1% to 37.5%. Similarly, by the 1980s, the Abkhazs dominated with 67% in the government minister positions and constituted 71% of the department heads of the *obkoms*.³⁸² These data confirm that ethnic Abkhazs were favoured on the executive level of the administration. A Georgian scholar in international law recalls that "from the outset the policy of the central government was very humane towards the Abkhazs and South Ossetians. In contrast to other autonomies in the USSR, their rights of language, education and broadcasting were protected."³⁸³ Minority representation is contested by the Abkhaz side, indicating that high level appointments were meant to redress an enforced Georgianisation policy carried out in 1937-1953.³⁸⁴ Similarly, Armenian scholars note that the NKAO has been populated

Oblast of Azerbaijan Republic, Resolution No 279-XII, 26 November, Baku, 1991, Accessed 15-05-14, <http://e-qanun.az/print.php?internal=view&target=1&docid=6783&doctype=0>, (in Azerbaijani).

³⁷⁸ Gosudarstvennyi komitet po statistike, Itogi Vserossiiskoi Perepisi Naseleniya 1989 goda, Abkhazskaia ASSR, Etnodemografiya Kavkaza, Accessed 13-03-14, <http://www.ethno-kavkaz.narod.ru/rnabkhazia.html>.

³⁷⁹ Liana Kvarchelia, "Georgia–Abkhazia Conflict: View from Abkhazia," *Demokratizatsiya* 6 (1998): 19.

³⁸⁰ Julie A. George, *The Politics of Ethnic Separatism in Russia and Georgia* (New York: Pelgrave, 2009), 104.

³⁸¹ Svante E. Cornell, "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective," *World Politics* 54 (2002): 275.

³⁸² Svante E. Cornell, "Autonomy as a Source of Conflict," 275.

³⁸³ Interview 66.

³⁸⁴ Liana Kvarchelia, "Georgia–Abkhazia Conflict," 19.

mostly by Armenians affected by the Azerification policy.³⁸⁵ Disputes over NKAO escalated after both Armenia and Azerbaijan attained independence from the Soviet Union. As the Georgian state weakened, in response to the issue of an underrepresented status next to a titular nation, minorities radicalised allowing them a relative leverage over the central government.

In March 1989, Abkhaz nationalists from the Abkhazia Regional Committee of the Communist Party of Georgia, and the Supreme Council of the Autonomous Republic met in the village of Likhni. They appealed to the Central Committee of the Communist Party of the Soviet Union to regain the Union Republic status that they had had before 1931. This appeal was grounded on an argument that, in 1921-1931, the Abkhazian SSR, formed in 1921 and headed by Nestor Lakoba, existed independently and, as per the 1925 Constitution of the Abkhazian SSR, it was associated with the Georgian SSR only with a “special treaty agreement” (*dogovornaya respublika*).³⁸⁶ This contractual status was ratified by the Abkhazian SSR under pressure from Stalin and Sergo Orjonikidze, Chairman of the Caucasian Bureau of the Central Committee (*kavbyuro*).³⁸⁷ Through this, in 1922 the Abkhazian SSR was part of the Transcaucasian SFSR and thus part of the USSR. In 1931 Stalin and Lavrenti Beria, Chief of the People’s Commissariat for Internal Affairs, reduced its status from “treaty agreement,” affiliated with Georgia, to the Abkhazian ASSR. Despite this incorporation, the Abkhazian SSR Constitution implied Abkhazia’s sovereignty and its right of exit from the USSR.³⁸⁸ The creation and then abolition of the autonomous statuses of South Ossetia and Abkhazia, as well as that of Nagorno-Karabakh nurtured people’s desire for independence.

Majority voting is another reason for the conflicts in Georgia. Making reference to the nationwide referendum for the restoration of the independence in Georgia in 1991, the Georgian side has dismissed the claims for the independence by Abkhazia and South Ossetia. The referendum held throughout Georgia, including in the Autonomous Republic of Abkhazia and Tskhinvali Region, on 31 March 1991 voted to restore state independence of Georgia deprived in 1921 in accordance with the Act of State Independence of Georgia from 26 May 1918.³⁸⁹ The polls were boycotted by the separatists, but a considerable proportion of the population did vote, including the Georgian, Abkhazis and Ossetian, who made up 61.27% of total voters. The restoration of the independence

³⁸⁵ Levon Chorbajian, Patrick Donabedian and Claude Mutafian, *The Caucasian Knot: History and Geopolitics of Nagorno-Karabagh* (London: Zed Books, 1994).

³⁸⁶ Konstitutsiya (Osnovnoi zakon) Abkhazskoi Sovetskoi Sotsialisticheskoi Respubliki (Sukhumi: Gosizdat Abkhazii, [1925] 1937), (in Russian), Art. 3.

³⁸⁷ Oleg Kh. Bgazhba and Stanislav Z. Lakoba, *Istoriya Abkhazii: S drevneiishikh vremen do nashikh dnei* (Sukhum: Alasharbaga, 2007), (in Russian), 155.

³⁸⁸ Konstitutsiya Abkhazskoi SSR, 1937, Art. 5.

³⁸⁹ Act of State Independence of Georgia, The Founding Council of Georgia, Tbilisi, 1918, Accessed 22-01-13, <http://www.nplg.gov.ge/dlibrary/collect/0001/000299/konstitucia%20kart.pdf>.

of Georgia was supported by 97.73% of the voters in Abkhazia. Election results showed that with 88% voter turnout in Georgia, 98% (3.3 million people) supported Georgia's independence and this was regained with the Act of Restoration of State Independence of Georgia on 9 April 1991.³⁹⁰

The attitude of ethnic minorities towards independence from the Soviet Union did not imply that they supported the territorial integrity of Georgia. Vyacheslav Chirikba makes reference to the Union-wide referendum convened earlier on 17 March 1991, and suggests that 52.4% of the population in Abkhazia supported retaining the USSR implying that Abkhazia had the legal right to secede and stay within the USSR.³⁹¹ The majoritarian system of voting, that imposes majority rule by majority vote, can be contentious, especially in conflict entities. Contesting the West's interpretation of democracy as majoritarianism, Peter Emerson suggests that a multioptional and preferential referendum could have been a viable option in the South Caucasus. As the author said: "the force of arms followed the force of numbers exercised by the majority."³⁹² Whilst majority voting divided societies in Yugoslavia, as noted by the Arbitration Commission on Yugoslavia known as the Badinter Committee in 1991,³⁹³ in Abkhazia and South Ossetia, referendums were used retrospectively to "justify" violence.³⁹⁴ The quest of Abkhaz minorities for greater power against the centre resulted in an inverse majority of the Abkhaz population and discriminated against the Georgian minority currently living in the eastern part of Abkhazia. Besides political construction and majority voting, the nationalist ideology was an additional cause of the conflicts.

The nationalist ideology of the new Georgian leadership exacerbated existing divisions identified by scholars of nationalism. As Terry Martin writes, the rising tide of nationalism in the Soviet Union, was a result of the Soviet nationality policy that simultaneously promoted the national consciousness of its ethnic minorities and dictated the substance of their cultures.³⁹⁵ Nationalistic motives were evident in what is often assigned as Gamsakhurdia's party slogan "Georgia for Georgians." According to Gamsakhurdia, Georgia in 1980s confronted a demographic threat from the Azerbaijani population in the regions of Kartli and Kakheti, adjacent to Azerbaijan; The country

³⁹⁰ Act of Restoration of State Independence of Georgia, The Supreme Council of the Republic of Georgia, Tbilisi: Government of Georgia, 1991, Accessed 22-01-13, http://www.parliament.ge/site2/index.php?lang_id=GEO&sec_id=776.

³⁹¹ Vyacheslav Chirikba, *Mezhdunarodno-pravovoi status respubliki Abkhaziya* (Sukhum: Dom Pechatsi, 2013), (in Russian), 6.

³⁹² Interview 30.

³⁹³ The International Conference on the Former Yugoslavia, Conference on Yugoslavia Arbitration Commission, *Opinions of the Arbitration Commission, Official Papers, Volume II*, ed. Bertrand G. Ramcharan (The Hague: Kluwer Law International, 1997), No 1, 2, 4, 5, 7, 8.

³⁹⁴ Peter Emerson, *Defining Democracy: Voting Procedures in Decision-Making, Elections and Governance* (Berlin: Springer, 2012), 18.

³⁹⁵ Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939* (Ithaca: Cornell University Press, 2001).

faced chauvinism in Abkhazia and South Ossetia carried out by extremists and encouraged from Russia.³⁹⁶ Nationalistic sentiments voiced by the Georgian Government invigorated the minorities' claim for self-determination with violence.³⁹⁷ Ghia Nodia writes that the critique of Gamsakhurdia's ethnic policy does not explain the motives – the absence of civic consciousness and territorial claims – for ethnic violence in post-communist societies.³⁹⁸

The elite manipulation by the ruling elites as a reason for the conflicts is a recurring argument that also merits attention. In an often cited comparative study of conflicts in the Caucasus, Svante Cornell describes conflicts as ethnopolitical, i.e. based on the politicisation of ethnicity that is strengthened by autonomous institutions. For Cornell, autonomy is a source of conflicts in Georgia and Azerbaijan, prompted by minority elites driven by their rational calculations to retain ruling positions with external encouragement.³⁹⁹ In her theory of ethnic bargaining, Erin Jenne succinctly observes that the separatist minorities were unable to negotiate with the centre and policies aimed at addressing their economic disparities could not de-radicalise minority movements so long as the minorities were receiving cross-border support.⁴⁰⁰ Exponents of peace and conflict theory have put forward related arguments. Chaim Kaufman has suggested territorial partition, arguing for the separation of opposing groups into defensible enclaves,⁴⁰¹ whereas a power-sharing approach is offered by Arendt Liphart, to resolve ethnic divisions without partition, by granting extensive autonomy.⁴⁰² Conflicting parties are unlikely to accept a power-sharing agreement because it fails to generate an division of resources. For Nino Kemoklidze a combination of factors: institutions, elites and external forces lead to the wars.⁴⁰³ Other authors hold that third party mediation can manage inter-ethnic relations after international conflicts and this is discussed next.

In the case of Abkhazia, the early interaction in 1991 between the Georgian and Abkhaz sides did involve negotiations on sharing power to increase trust. The power-sharing agreement aimed to enlarge the powers of the Abkhazian Autonomous Republic within Georgia with the influence of

³⁹⁶ Zviad Gamsakhurdia, "Interviu zviad gamsakhurdiastan" [The Interview with Zviad Gamsakhurdia], *Akhalgazrda Komunisti*, 14 September 1989, (in Georgian).

³⁹⁷ David Matsaberidze, *The Conflict over Abkhazia (1989-2010): The Interaction of Georgian-Abkhazian Nationalisms and the Role of Institutions in the Post-Soviet Developments* (UK: Lambert, 2011).

³⁹⁸ Ghia Nodia, "Political Turmoil in Georgia and the Ethnic Policies of Zviad Gamsakhurdia," in *Contested Borders in the Caucasus*, ed. Bruno Coppieters (VUB University Press, 1996), 77.

³⁹⁹ Svante E. Cornell, *Small Nations and Great Powers: A Study of Ethnopolitical Conflict in the Caucasus* (England: Curzon, 2001), 41.

⁴⁰⁰ Erin K. Jenne, *Ethnic Bargaining: The Paradox of Minority Empowerment* (Ithaca: Cornell University Press, 2007), 196.

⁴⁰¹ Chaim Kaufmann, "Possible and Impossible Solutions," *International Security* 20 (1996): 137.

⁴⁰² Arendt Liphart, "The Power Sharing Approach," in *Conflict and Peacekeeping in Multiethnic Societies*, ed. Joseph Montville, 491-509 (New York: Lexington, 1990).

⁴⁰³ Nino Kemoklidze, "The Kosovo Precedent and the 'Moral Hazard' of Secession," *Journal of International Law and International Relations* 5(2009): 117-40.

the Abkhaz minority over the republic's administration.⁴⁰⁴ According to Stanislav Lakoba, the first Deputy Speaker of the Abkhazian Supreme Council, those negotiations suggested introducing a quota system in the Abkhazian Parliament in 1991.⁴⁰⁵ In the interview, a member of the legislative body of Georgia in 1990, who authored and was commissioned to negotiate the power-sharing model with the Abkhaz and Georgian authorities, describes the talks as extremely hard:

It was made clear to the Georgian side that with the 1989 population census in Abkhazia, the Georgians (45.7%) would most probably end up with 40% of votes for the parliamentary election, placing the rest of Abkhazis (17.8%) in a majority. According to the power-sharing model, out of 65 Parliamentary seats, ethnic Abkhazis would get 28, Georgians 26, and the rest 11 seats. Decisions would pass with 2/3 of votes guaranteeing decision-making rights of both. In addition, a chairman of the Parliament and a vice prime-minister was to be an Abkhaz, the vice-chairman of the Parliament and the prime-minister a Georgian.⁴⁰⁶

Civil war in Georgia disrupted a negotiated solution. The Abkhaz and Ossetian separatist forces influenced by the Russian political elites could not reach a settlement with the centre. Eventually the Georgian state, losing control of its entities, fell into *de facto* territorial fragmentation and both wars cemented ethnic tensions.

4.2.2. Wars in South Ossetia in 1991-1992, and Abkhazia in 1992-1993

This subchapter evaluates the wars in South Ossetia (1991-1992) and Abkhazia (1992-1993) and places this evaluation in context of international mediation, the EU's conflict resolution strategy and the EU's mediation in 2008 discussed in the next subchapters. It resonates to the first phase of Georgia's foreign policy conduct (1991-1995), suggesting that Russia's dominant position in addition to being an interested third party proved its mediation in both wars to be not impartial.

In South Ossetia and Abkhazia Russia created proxy regimes and supported insurgency. The first manifestation of popular movements in South Ossetia, mobilised by the people's assembly Adamon Nikhas, was ignited with the release of the Act on the National Programme on the Georgian Language by the Central Committee of the Communist Party of Georgia in 1989.⁴⁰⁷ Tensions grew in Tskhinvali in 1991 between the Ossetian insurgent armed units and the National Guards. Russia asserted its claim to be an *interlocuteur privilege* in the South Ossetia conflict. To deescalate the crisis, President Gamsakhurdia met with Boris Yeltsin, the Chair of the Supreme Council of the Russian Soviet Federative Socialist Republic (RSFSR), in the town of Kazbegi where the parties

⁴⁰⁴ Julie A. George, *The Politics of Ethnic Separatism*, 116.

⁴⁰⁵ Stanislav Lakoba, "Abkhazya – *de-fakto* ili *Gruziya de-jure*? O politike Rossii v Abkhazii v postsovetskii period 1991-2000 gg." Slavic Research Center Occasional Papers, Special Issue (Sappori: SRC, 2001), Accessed 13-03-14, <http://src-h.slav.hokudai.ac.jp/publicn/lakova/lakova-contents.html>, (in Russian), 13-14.

⁴⁰⁶ Interview 66.

⁴⁰⁷ Parliament of Georgia, Brief History, Apparatus of the Committee, Temporary Commission on Restoration of Territorial Integrity, Tbilisi, 2013, Accessed 22-01-13, http://www.parliament.ge/files/617_8236_221191_617_8236_609650_apxazeti.pdf.

agreed on the disarmament of militia groups in the territory of the SOAR.⁴⁰⁸ Hostilities in Tskhinvali ended in 1992, after the Head of the Republic of Georgian, Eduard Shevardnadze, and the President of the Russian Federation, Boris Yeltsin, signed an Agreement about Resolution Principles of the Georgian-South Ossetian Conflict in the Dagomisi area of the town Sochi in Russia.⁴⁰⁹ The Dagomisi Agreement established a quadripartite Joint Control Commission (JCC) between Georgia, Russia, North Ossetia, and South Ossetia, to deal with political issues, and its peacekeeping body, the Joint Peacekeeping Forces group (JPKF), observed the ceasefire. The JPKF battalion of 500 servicemen from the Russian, Georgian and Ossetian sides, in principle, worked in a peacekeeping format, but, in practice, it was under Russian command.

The first armed clash between Abkhazis and Georgians occurred in July 1989, triggered in part by the decision of the Georgian Government to turn the Sokhumi State University into a branch of the Iv. Javakhishvili State University. Vladislav Ardzinba, the leader of the “Soyuz” faction, elected in December 1990 as a Chairman of the Supreme Council of the Abkhazian ASSR, mobilised electoral support for an independent Abkhazia. Tensions extended to the legislature when, in July 1992, the Council decided to abolish the 1978 Constitution and restore the 1922 Constitution of the Abkhazian SSR. In a reaction to this move, the central government dispatched its forces in August 1992. Following the armed confrontation between the Georgian National Guards and the Abkhaz Guards of the Supreme Council, the government managed to reassert control. In September 1992, the ceasefire document signed in Moscow between Eduard Shevardnadze and President Yeltsin created the Control and Inspection Commission, consisting of Georgia, Abkhazia and Russia.⁴¹⁰ According to the document, the Georgian forces withdrew from the Gagra district but the ceasefire was apparently violated from the Abkhaz side, which attacked the civilian population.⁴¹¹ Despite the peace agreement, in October 1992, Sokhumi also came under attack from the separatists, joined by the fighters from the Confederation of the Caucasus Mountain Peoples.⁴¹² Military forces in Abkhazia acquired weapons for insurgency from unidentified sources. Largely supported by the Russian military stationed in Gudauta, the Abkhaz forces gained control over Gagra and Tkvarcheli. In a way similar to the South Ossetian conflict, whilst being party to the conflict, Russia signed a peace agreement in Abkhazia. In July 1993, under a tripartite Agreement on Ceasefire and its Controlling Mechanism in Sochi,⁴¹³ the Georgian side was made to withdraw, and despite the

⁴⁰⁸ Protokol, Kazbegi, 1991.

⁴⁰⁹ Soglashenie o printsipakh uregulirovaniya gruzino-osetinskogo konflikta, Dagomisi, Sochi, 1992.

⁴¹⁰ Itogovii dokument moskovskoi vstrechi, Moskva, 1992.

⁴¹¹ Human Rights Watch, “Georgia/Abkhazia: Violations of the Laws of War and Russia’s Role in the Conflict,” Report 7-7, New York, 1995, Accessed 20-02-15, <http://www.hrw.org/reports/pdfs/g/georgia/georgia953.pdf>, 27.

⁴¹² Government of the Autonomous Republic of Abkhazia, “Military Conflict in Abkhazia 1992-1993,” Georgia, 2014, Accessed 22-01-13, http://abkhazia.gov.ge/index.php?lang_id=ENG&sec_id=44.

⁴¹³ Soglashenie o prekrashenii ognia v abkhazii, Sochi, 1993.

ceasefire agreement and international monitoring, deployed by the UN to verify compliance earlier in July 1993, Sokhumi was taken between 16 and 27 September 1993. After hostilities stopped with the Moscow Agreement in 1994, the UN undertook to observe the peacekeeping operation offered by Moscow on behalf of the CIS with a predominant Russian composition. General elections, establishing the Parliament, adopted the Constitution in 1995, and President Shevardnadze was elected in two subsequent parliamentary elections in 1995 and in 2000.

The war in the Tskhinvali Region caused the first displacement of population followed by assault and looting on both sides. The number of Internally Displaced Persons (IDP) and refugees is contested.⁴¹⁴ In 1991-1992 between 60,000 to 100,000 people were displaced from South Ossetia.⁴¹⁵ The United Nations High Commissioner for Refugees (UNHCR) notes that 60,000 Ossetians and ethnic Georgians fled from South Ossetia.⁴¹⁶ This displacement was followed by the mass exodus from Abkhazia in 1992-1993, where the Georgian Government sources reported deaths of 3,000 ethnic Abkhazis and 10,000 Georgians, and the displacement of 300,000 Georgian and 40,000 Abkhaz, as well as other ethnic population.⁴¹⁷ The Georgian state statistics currently record 248,415 internally displaced people registered in Georgia from both entities,⁴¹⁸ whereas the Abkhaz side suggests 160,000 displaced people.⁴¹⁹ According to the Norwegian Refugee Council (NRC), out of the total 247,000 displaced people, the vast majority was driven in the 1990s.⁴²⁰ Repatriation of the refugees and displaced remains critical for negotiations. The Georgian side underlines the right to return but retains the presence of displaced people in Tbilisi showcasing the unresolved nature of the conflict. The decrease in the numerical superiority of the Abkhazis and the recurrence of tensions in the southern-most district of Gali in Eastern Abkhazia with a predominant Georgian population raises concerns with the Abkhaz political leadership. In a way similar to Georgia, the war between Armenia and Azerbaijan over Nagorno-Karabakh, with a contested chronology from

⁴¹⁴ The thesis distinguishes between the terms refugee and the internally displaced people, as the latter are those displaced without crossing an internationally recognized border. The thesis further avoids the acronym IDP considering that such reference dehumanizes the subject and instead uses “internally displaced people,” see: Conciliation Resources, *Out of the Margins* (London: CR, 2009), 6.

⁴¹⁵ Provisional Administration of South Ossetia, Archive, P/A South Ossetia, 2014, Accessed 21-03-14, <http://www.soa.gov.ge/geo/mtavari/8/>.

⁴¹⁶ United Nations High Commissioner for Refugees, Protection of Internally Displaced Persons in Georgia: A Gap Analysis, Report, UNHCR: Geneva, 2009, Accessed 17-12-13, <http://www.unhcr.org/4ad827f59.html>, 6.

⁴¹⁷ Supreme Council of Autonomous Republic of Abkhazia, A/R Abkhazia History, A/R Abkhazia, 2014, Accessed 21-03-14, <http://scara.gov.ge/ka/2010-03-17-12-47-30/2010-03-17-13-52-36/51-afkhazethis-mokle-istoriuli-cnoba.html>.

⁴¹⁸ Ministry of Internally Displaced Persons from the Occupied Territories, Statistics, IDP Figures, Tbilisi: MIDPOT, 2014, Accessed 12-03-14, <http://mra.gov.ge/eng/static/55>.

⁴¹⁹ Conciliation Resources, *Out of the Margins*, 10.

⁴²⁰ Norwegian Refugee Council/Internal Displacement Monitoring Centre, “Georgia: IDPs in Georgia Still Need Attention,” 2009, Accessed 12-01-14, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/BOCAED10033D3B77C12575EE0041349C/\\$file/Georgia_Overview_Jul09.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/BOCAED10033D3B77C12575EE0041349C/$file/Georgia_Overview_Jul09.pdf), 1.

1987 to 1994, left 800,000 people displaced and 14% of Azerbaijan's territory occupied.⁴²¹ In the 1999 referendum in Abkhazia, and in South Ossetia in 1992 and 2006 respectively, residents with the exclusion of the Georgian population, voted for independence. Since the 1990-s, Georgia has lost control of both jurisdictions which have sought to establish themselves as independent states.

4.3. Foreign Policy of Russia towards the Caucasus⁴²²

This subchapter examines Russia's political influence in the South Caucasus with the focus on Georgia. After presenting an academic debate about Russia's foreign policy towards Georgia, the first section takes an overview of the most important instances that have shaped Russia's policy. These include: the inception of their relations in the 16th century and Georgia's presence in the Russian Empire, the annexation of the Democratic Republic of Georgia in 1917 by the Bolsheviks, Georgia's struggle for the independence from the USSR, the involvement of Russia in South Ossetia and Abkhazia, and the Russia-Georgia conflict in 2008. The next section investigates Russia's military presence in the Black Sea region and Russia's approach to Chechnya and Ukraine.

4.3.1. Russian Policy towards Georgia

The topic of Russia's involvement in Georgia since its independence from the Soviet Union in 1991 has been gaining interest among academics and policy experts. John Lepingwell holds that Russia, driven by its urge to maintain its Eurasian power status against the competing influence of the US and to deter the rise of Turkey's regional influence, intentionally hindered Georgia's statebuilding.⁴²³ Looking at international engagement in statebuilding in Georgia, MacFarlane agrees that Russian policy inhibited Georgia's statebuilding by supporting breakaway regions and imposing a trade embargo.⁴²⁴ Monica Duffy Toft characterises Moscow's interests as "foreign-

⁴²¹ Stéphane Voell and Ketevan Khutsishvili, (eds.) *Caucasus Conflict Culture: Anthropological Perspectives on Times of Crisis* (Marburg: Curupira, 2013); Michael P. Croissant, *The Armenia-Azerbaijan Conflict. Conflict and Implications* (Westport: Praeger, 1998), 17; Kamal Makili-Aliyev, *Nagorno-Karabakh Conflict in International Legal Documents and International Law* (Baku: SAM, 2013), 50.

⁴²² The author thanks an anonymous referee for reviewing an earlier version of this subchapter that was published in the journal of the Institute of Cultural Studies, UNESCO Chair in Intercultural Dialogue at Tbilisi Ivane Javakhishvili State University, see: Nino Kereselidze, "Sakartvelos sagareo politika rusettan mimartebit 1991-2013 tslebshi" [Foreign Policy of Georgia towards Russia in 1991-2013], *Civilization Researches*, Tbilisi Iv. Javakhishvili State University Press 10 (2014): 16-34, (in Georgian).

⁴²³ John Lepingwell, "The Russian Military and Security Policy in the 'Near Abroad'," *Survival* 36 (1994): 77.

⁴²⁴ S. Neil MacFarlane, "Georgia and the Political Economy of Statebuilding," in *The Political Economy of Statebuilding: Power after Peace*, eds. Mats Berdal and Dominik Zaum (London: Palgrave, 2013), 320; S. Neil MacFarlane, "Colliding State-Building Projects and Regional Insecurity in Post-Soviet Space: Georgia versus Russia in South Ossetia," *Comparative Social Research* 27 (2013): 103.

policy inertia and the grasping of a superpower in rapid decline.”⁴²⁵ Similarly, Allen Lynch, and Janusz Bugajski argue that Russia has vested interests in the region and seeks to maximise its power in what Russia views as its “near abroad” (*blizhnee zarubezhe*).⁴²⁶ A policy expert in London notes that Russia still seeks suzerainty over the former Soviet Union countries and particularly in Central Asian, the Baltic countries, and even more so, in the South Caucasus and Ukraine:

The fact of matter is that Russia regards independence of the former Soviet Union countries as a historical aberration. Central concept to incentives behind Russia’s policy is that the South Caucasus is a historically conditioned mutually privileged sphere of interest of Russia.⁴²⁷

Behind Russia’s assertive policy towards Georgia, the majority of scholars identify the continuation of Russia’s pragmatic and *realpolitik* approach.⁴²⁸ Archil Gegeshidze finds that Georgia, as a “geographic buffer zone,” has been in quest of a niche strategy to balance the regional powers.⁴²⁹ With supremacy over the strategically located Georgia, Russia expands its influence southwards.⁴³⁰ Discourse analysis indicates that the Russian Government often talks about its policy in a covert manner. This, for example, resonates in a statement of a member of the State Duma, Andrei Kokoshin: “Russia is not interested to see Georgia as a hotspot of instability, instead Russia with strategic interests in the region hopes that Georgia treats Russia as a real strategic partner.”⁴³¹ For Aleksandr Skakov, Russia has maintained a confused foreign policy approach towards Georgia.⁴³² Malkhaz Matsaberidze evaluates relations between Russia and Georgia as contradictory since Russia has sought to dominate over Georgia whilst the latter, with a “maneuvering politics,” has hoped to normalise relations.⁴³³ Rather than Russian interference, Givi Bolotashvili believes that it was the civil war, wars in South Ossetia and Abkhazia, economic crisis and inept governance that accounted for instability in the early 1990s.⁴³⁴ Analysis of Russia’s involvement in the South

⁴²⁵ Monica Duffy Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton: Princeton University Press, 2003).

⁴²⁶ Allen C. Lynch, “The Realism of Russia’s Foreign Policy,” *Europe-Asia Studies* 53 (2001): 22; Janusz Bugajski, *Cold Peace: Russia’s New Imperialism* (Westport: Praeger, 2004), 53.

⁴²⁷ Interview 25.

⁴²⁸ Aleksandr Barsenkov, “Politika Rossii na postsovetском prostranstve i ee vospriyatие na zapade 2003-2008 gg,” *Mir i Politika* 8 (2012): 152-158; Sergei Luzyanin, *Vostochnaya politika Vladimira Putina: Vozvrashchenie Rossii na “Bolshoi Vostok” (2004-2008 gg.)* (Moskva: AST Vostok-Zapad, 2007), (in Russian); Svetlana Chervonnaya, *Abkhazia 1992: Postkommunisticheskaya vandeya* (Moskva: Mosgorpechat, 1993), (in Russian); Andrey Zrdavomislov, *Mezhnatsionalnie konflikti v postsovetском prostranstve* (Moskva: Aspekt-Press, 1997).

⁴²⁹ Archil Gegeshidze, “Georgia in Need for a New Strategic Agenda,” *CaucasUS Context, Georgian Foundation for Strategic and International Studies* 1 (2003): 1-8, Accessed 19-03-10, <http://www.gfsis.net/pub/eng/sec.php>.

⁴³⁰ Svante E. Cornell, “Military and Economic Security Perspectives,” *NBR Analysis: Strategic Security Dilemmas in the Caucasus and Central Asia*, Washington: The National Bureau of Asian Research, 14 (2003): 12.

⁴³¹ RIA Novosti, “Konflikt mezhdu Gruziei i Abkhaziei ne mozhet bit razreshen bez uchastiya Rossii,” Andrei Kokoshin, *Politika*, 2004, Accessed 19-03-13, <http://ria.ru/politics/20040108/502027.html>, (in Russian).

⁴³² Aleksandr Skakov, “Vnutripoliticheskaya situatsiya v Gruzii,” v *Gruzya: problemi i perspektivi razvitya*, pod red. Evgenia Kojokina (Moskva: RISI, 2002), 259-316;

⁴³³ Malkhaz Matsaberidze, “Russia and Georgia: Post-Soviet Metamorphoses of Mutual Relations,” *Central Asia and the Caucasus* 5 (2008): 145-49.

⁴³⁴ Givi Bolotashvili, “Sakartvelo – suverenuli sakhelmtsipo saertashoriso arenaze 20-e saukunis 1990-ian tslebshi” [Georgia as the Sovereign Nation in the International Arena in the 1990s of the 20th Century], in *Kartuli diplomatii istoria* [History of the Georgian Diplomacy], ed. (Tbilisi: Iv. Javakhishvili University Press, 2003), (in Georgian).

Caucasus has expanded considerably over the last decade. Russian intervention in Georgia in 2008, and more recently in Ukraine in 2014-2015, has posed a challenge to the European regional order.

The conflict between Russia and Georgia has confirmed the changing nature of international law, sovereignty and norms in the international system. S. Neil MacFarlane and Natalie Sabanadze observed that Russia has employed a redefined concept of international responsibility in relation to sovereignty and minority self-determination in Georgia's conflict entities.⁴³⁵ According to Roy Allison, the clashes in Kosovo, Iraq and Libya between Russia and the major Western powers over military interventions since 1999 have demonstrated differences in legal justifications for the Western-led military operations and for Russia's use of force in the post-Soviet region.⁴³⁶ Through its military interventions, Russia has more extensively contested Western constructs of international society, norms and sovereignty.⁴³⁷ In Georgia and Ukraine, Russia justified its peacekeeping enforcement by invoking self-defence for its citizens abroad. Russia has instrumentalised concepts of human rights for political expediency.⁴³⁸ According to Lilia Shevtsova, the response of the liberal democracies revealed that the Western nations do not have instruments to check Russia from violating international norms.⁴³⁹ For Ronald Asmus, the conflict in 2008 showed that Russia is prepared to assert itself forcefully as a broader strategy to compete with the West and, as a result, this war "shook the belief that a democratic and cooperative peace had triumphed in Europe for twenty years after the Iron Curtain fell."⁴⁴⁰ In Ukraine, Russia, however, failed to manage crises and would struggle to deal with a multi-front campaign.⁴⁴¹ Russia's foreign policy towards Georgia and Ukraine reflects competitive relations against the West more generally.

Originating in the 16th century, interaction between Russia and the Caucasus continued with the Russian expansion to the Crimea during the reign of the Empress Catherine II. With the Treaty of Georgievsk, between the Tsarist Russia and the Georgian Kingdom of Kartl-Kakheti (1783), Georgia became its protectorate and turned into a governorate (*guberniya*) in 1801. In the 19th and 20th centuries, the Georgian political and social elite familiarised itself with the European ideas

⁴³⁵ S. Neil MacFarlane and Natalie Sabanadze, "Sovereignty and Self-Determination: Where Are We?" *International Journal* 68 (2013): 611.

⁴³⁶ Roy Allison, *Russia, the West and Military Intervention* (Oxford: Oxford University Press, 2013), 44-209.

⁴³⁷ Roy Allison, "The Russian Case for Military Intervention in Georgia: International Law, Norms and Political Calculation," *European Security* 18 (2009): 174.

⁴³⁸ Rick Fawn, "'Bashing About Rights'? Russia and the 'New' EU States on Human Rights and Democracy Promotion," *Europe-Asia Studies* 61 (2008): 1778; Rick Fawn, "Encouraging the Incurable?: Russia's Relations with the West over Chechnya," *Journal of Communist Studies and Transition Politics* 18 (2002): 5.

⁴³⁹ Lilia Shevtsova, "The Russia Factor," *Journal of Democracy* 25 (2014): 80.

⁴⁴⁰ Ronald D. Asmus, *A Little War That Shook the World: Georgia, Russia and the Future of the West* (New York: Palgrave, 2010), 215.

⁴⁴¹ Lawrence Freedman, "Ukraine and the Art of Limited War," *Survival* 56 (2015): 14; Jeffrey Mankoff, "Russia's Latest Land Grab: How Putin Won Crimea and Lost Ukraine," *Foreign Affairs* 93 (2014): 106.

mainly through Russia.⁴⁴² Orthodox Christian religion and culture connected the two nations. Relations between them became ambivalent because Russia was both promising protection of Georgia against Persian advances and was manipulating of its vulnerabilities. Following the 1917 Revolution, after a brief independence in 1918-1921, as the Russian army annexed the Democratic Republic of Georgia, the Bolsheviks isolated Russia from the West. Georgia's presence in the Russian Empire and the Soviet Union created a common identity different from a European one.

The desire to restore its independence remained fundamental to Georgia. In 1980s the fall of communist regimes in Eastern Europe and the failure of General Secretary of the Communist Party, Mikhail Gorbachev, to reform socialism, with the restructuring *perestroika* policy, made the dissolution of the Soviet Union inevitable. The rise of the national movements calling for the independence in Tbilisi, suppressed by the Soviet forces on 9 April 1989, left traumatic memories among Georgians. Starting in 1991, Lithuania, Georgia, Ukraine, Uzbekistan, and Azerbaijan declared their independence, followed by other union republics. Although with the Belovezh Accords signed by Russia, Ukraine, and Belarus in December 1991, the Soviet Union ceased to exist, in order to secure its political dispensation as a legal successor of the Soviet Union, the Russian Federation continued an interventionist approach by making the newly independent states join the CIS founded in place of the USSR.⁴⁴³ Despite power changes in both Georgia and Russia, over the past two decades, relations between them have not substantially changed.

4.3.2. Russia's Military Presence in the Post-Soviet Space

In 1996-2003, relations between Georgia and Russia were marked by a standoff. After President Putin's accession to power in 1999, Georgia's cooperation with the US was interpreted as an encroachment on the Russian sphere of interest. Since then the Russian influence in Georgia has waned.⁴⁴⁴ The Georgian authorities demanded the closure of the four previously Soviet military bases in Vaziani, Akhalkalaki, Batumi and Gudauta, that had been deemed occupying forces since 1991.⁴⁴⁵ At the OSCE Istanbul Summit in 1999, Russia committed to bases closures in Georgia, as well as withdrawal of troops from Moldova,⁴⁴⁶ when it signed the Charter for European Security as part of the Treaty on Conventional Armed Forces in Europe (CFE) that requires the decrease of

⁴⁴² Interview 3.

⁴⁴³ Soglashenie o sozdanii Sodrzhestva Nezavisimikh Gosudarstv, Minsk, 1991, Accessed 22-01-13, http://www.cismission.mid.ru/ii1_1.html, (in Russian).

⁴⁴⁴ Rick Fawn, "Russia's Reluctant Retreat from the Caucasus: Abkhazia, Georgia and the US after 11 September 2001," in *Realignments in Russian Foreign Policy*, ed. Rick Fawn (Portland: Frank Cass, 2003), 133-46.

⁴⁴⁵ Supreme Council of the Republic of Georgia, Decree on Armed Forces of the Soviet Union in the Republic of Georgia, №657, 16.09.1991, Tbilisi, Accessed 12-01-13, http://www.parliament.ge/files/100_23285_423156_TarielPutkaradze.pdf.

⁴⁴⁶ Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova* (Moldova: Cogito, 2001), 259.

military equipment in Europe.⁴⁴⁷ Between 2001-2008 Russia ceded control of all but the Gudauta base in Abkhazia, that remains occupied by the CIS, the naval presence near Abkhaz coast, as well as troops in Transnistria, with inspections hampered by difficulties of access.⁴⁴⁸ Russia also extended its deployment in Armenia by expanding a military base for 49 years from 1995, and conducted military exercises of the CSTO, that is likely to have consequences for tensions between Armenia and Azerbaijan.⁴⁴⁹ Since 2008 the Russian military presence in the region has changed.

Shortly after 2008, Russia increased the CIS peacekeeping forces to 2,542 troops in Abkhazia, which, under the ceasefire terms from 1994, cannot exceed 3,000. Russia next established Treaties on Friendship, Cooperation and Mutual Assistance with Abkhazia and South Ossetia in September 2008,⁴⁵⁰ and Agreements on Cooperation on Protecting the State Borders of Abkhazia and South Ossetia in April 2009.⁴⁵¹ These four documents created the legal basis for Russia's presence as an allied force of separatists and as an occupation force in Georgia. As reported by the Georgian side, Russia landed fighter and transport aircraft at the Bombora airfield near Gudauta where it has been constructing a military base, and, by 2009, Russia completed construction of another base, Ugardanta, in South Ossetia.⁴⁵² The media have quoted the Russian commanders on the deployment of military vehicles, air defence missiles, and the construction of a marine military base in Ochamchire.⁴⁵³ The treaties concluded by Russia with Abkhazia on strategic partnership in 2014,

⁴⁴⁷ Organization for Security and Co-operation in Europe, Charter for European Security: Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, CFE.DOC/2/99, Istanbul Summit, Turkey: OSCE, 1999, Accessed 27-12-12, <http://www.osce.org/mc/39569?download=true>.

⁴⁴⁸ Parliament of the United Kingdom of Great Britain and Northern Ireland, Joint Memorandum Submitted by the Ministry of Defence and the Foreign and Commonwealth Office, "Arms Control and Disarmament Inspections Bill," House of Commons, Defence Committee, 2003, Accessed 9-04-14, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmdfence/321/321.pdf>, 3.

⁴⁴⁹ Andrew Osborn, "Russia Is to Increase Its Military Presence in the Former Soviet Union after Winning the Right to Keep Its Troops in Armenia, a Staunch Russian Ally, until 2044," The Telegraph, 2010, Accessed 12-11-14. <http://www.telegraph.co.uk/news/worldnews/europe/russia/7952433/Russia-to-beef-up-military-presence-in-former-Soviet-space.html>.

⁴⁵⁰ Dogovor o druzhbe, sotrudnichestve i vzaimnoi pomoshchi mezhdu Rossiiskoi Federatsiei i Respublikoi Abkhaziya, Prezident Rossiiskoi Federatsii, Moskva: Kreml, 2008, Accessed 2-01-12, <http://archive.kremlin.ru/text/docs/2008/09/206583.shtml>, (in Russian); Dogovor o druzhbe, sotrudnichestve i vzaimnoi pomoshchi mezhdu Rossiiskoi Federatsiei i Respublikoi Iuzhnaia Osetiya, Prezident Rossiiskoi Federatsii, Moskva: Kreml, 2008, Accessed 2-01-12, <http://archive.kremlin.ru/text/docs/2008/09/206582.shtml>, (in Russian).

⁴⁵¹ Soglashenie mezhdu Rossiiskoi Federatsiei i Respublikoi Abkhaziya o sovmesnikh usiliyakh v okhrane gosudarstvennoi granitsi Respubliki Abkhaziya, Prezident Rossiiskoi Federatsii, Moskva: Kreml, 2009, Accessed 2-01-12, <http://archive.kremlin.ru/text/docs/2009/04/215690.shtml>, (in Russian); Soglashenie mezhdu Rossiiskoi Federatsiei i Respublikoi Iuzhnaia Osetiya o sovmesnikh usiliyakh v okhrane gosudarstvennoi granitsi Respubliki Iuzhnaia Osetiya, Prezident Rossiiskoi Federatsii, Moskva: Kreml, 2009, Accessed 2-01-12, <http://archive.kremlin.ru/text/docs/2009/04/215691.shtml>, (in Russian).

⁴⁵² Parliament of the United Kingdom of Great Britain and Northern Ireland, Memorandum from the Government of Georgia, Written Evidence "Russia: A New Confrontation?" Defence Committee, House of Commons, 2009, Accessed 9-04-13, <http://www.parliament.the-stationery-office.co.uk/pa/cm200809/cmselect/cmdfence/276/276we07.htm>, 6.

⁴⁵³ Dmitry Solovyov, "Russia Deploys S-300 Missiles in Georgia's Abkhazia," Reuters, 2011, Accessed 11-11-14, <http://uk.reuters.com/article/2010/08/11/us-russia-georgia-missiles-idUKTRE67A26520100811>; Rustavi 2 News, "Construction of Marine Base in Ochamchire Launched," Georgia, 2009, Accessed 26-09-09,

and on integration with South Ossetia in 2015, creating joint security and unified customs, preclude Georgia from engaging with these regions economically. In response to Russia's increasing presence, the Presidency of the Council limited itself to concerns in a declaratory form.⁴⁵⁴ Relations in political and economic realm between the EU and Russia accounted to this limitation.

In the mid 1990s, foreign policy of pursuing good relations with the EU, under the Russian first Foreign Minister Andrey Kozyrov, was discontinued during Foreign Minister Yevgeny Primakov.⁴⁵⁵ The early years of Russian foreign policy under President Putin has gone through several phases in its relationship with the EU. Competition shifted to security collaboration. Since 2008, EU-Russian relations have been marked by fluctuating crises, due to Russia's military actions in their common neighbourhood. As a Russian political scientist from Carnegie Moscow Center observes, the relationship between the EU and Russia in 2014 is undergoing change, with official Moscow rebalancing its foreign policy, retaining an emphasis on its Eurasian neighbours and China.⁴⁵⁶ Despite their internal political divisions, Russian political groups of the ruling conservatives (United Russia), nationalists (Liberal Democratic Party of Russia), communists (Communist Party of the Russian Federation), and Social Democrats (Just Russia), maintain a consensus on Russia's external policy regarding the West.⁴⁵⁷ This consensus has been retained under the leadership of President Putin. Regime and such cohesiveness ensures stability in both energy relations and institutional interaction of Russia *vis-à-vis* the EU.⁴⁵⁸ However, their relations are affected by fundamental divergences, namely protectionist measures for doing business, despite its accession to WTO, and pressure on its EU neighbours.⁴⁵⁹ Denis Corboy commented that EU-Russia political and economic relations necessitated an improvement in diplomacy;⁴⁶⁰ Yet the EU was compelled to use sanctions against Russia over the Ukraine crises.

http://www.rustavi2.com/news/news_text.php?id_news=32434&ct=0&im=main&ddd=&ddd2=&month=7&year=2009&srch_w=&srch=1&wth=&rec_start=0&rec_start_nav=0&ddd2=26-06-09&month=7&year=2009.

⁴⁵⁴ Council of the European Union, Declaration by the Presidency on behalf of the European Union on Russian Plans to Build up Its Military Presence in Abkhazia and South Ossetia, 6165/2/09, Brussels, 2009, Accessed 9-04-14, http://europa.eu/rapid/press-release_PESC-09-16_en.htm?locale=en.

⁴⁵⁵ Douglas W. Blum, "Links between Globalization, Security and Identity in Russia," in *Russia and Globalization: Identity, Security and Society in an Era of Change*, ed. Douglas W. Blum (Baltimore: Johns Hopkins University Press, 2008), 343.

⁴⁵⁶ Interview 62.

⁴⁵⁷ Nadia Alexandrova-Arbatova, "Russia after the Presidential Elections: Foreign Policy Orientations," *EU-Russia Centre Review* 8 (2008): 15.

⁴⁵⁸ Arkady Moshes, "Not Yet at the Crossroads: Is There Hope for Positive Change in Russia-EU Relations?" in *Moving out of the Doldrums? Perspectives on Change in Russia-EU Relations*, ed. Roderick Kefferpütz (Brussels: Heinrich Böll Stiftung, 2008), 7.

⁴⁵⁹ Ian Bond, "EU-Russia Relations, Partnership on Ice," CER Bulletin, Issue 94 (2014), London: Centre for European Reform, Accessed 23-11-14, http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2014/bulletin_94_ib_article2-8332.pdf.

⁴⁶⁰ Denis Corboy, "EU Soft Power Best Agent to Solve Conflict," Irish Times, 2 September 2008, Accessed 20-01-14, <http://archive.is/N5KWG>.

Chechnya is another conflict area where Russia has projected its military power in the Caucasus, with virtually no conflict resolution involvement by the EU. In 1991-1994 Chechnya was a major centre of oil refining with important transportation junctions of the Rostov-Baku highway and railway line between Moscow and Grozny. The first war in Chechnya took place in 1994-1996, followed by the second in 1999-2007, with fighting initially stopping in 2002 and gradual withdrawal. Whereas the first military campaign went against the will of the Russian Parliament and people, the second counter-terrorism operation, also found domestic appeal. Chechnya was severely damaged with terrorist attacks and retaliations at the Budyonnovsk hospital, the Moscow theatre and Beslan school in 1995-2004. As part of the international responses, the EU urged Russia to end the use of force but, apart from providing humanitarian aid, the EU refrained from engagement. The renewed war in Chechnya coincided with 9/11. This internationalised domestic problems in Russia caused realignment with the US in the fight against terrorism.⁴⁶¹ The Chechen crises, by conceding to the American presence, challenged Russia's strategic interests in the Caucasus.⁴⁶² The European Council, in its Declaration on Chechnya, did condemn bombardments, but the Council did not challenge the right of Russia to protect its territorial integrity.⁴⁶³ The Council also raised concerns about the spill-over from Chechnya to Georgia. Allegedly targeting the Chechen terrorist cells in Pankisi Gorge sheltering refugees across the border from Chechnya, the Russian military aviation bombed the Georgian territory.⁴⁶⁴ Once Pankisi was announced as a haven for terrorism, the US sent military trainers for anti-terrorist purposes.⁴⁶⁵ This military threat prompted Georgian authorities to cooperate with the US, as discussed in the next subchapter.

As an added dimension, Russia's latest military coercion in Ukraine, in 2014-2015, showed a reversal of earlier power politics on the European continent. In 2010, the treaty on the Black Sea Fleet (BSF) in Crimea was extended until 2042,⁴⁶⁶ for a reciprocally reduced gas price to Ukraine. This created the basis for a Russian Navy sub-unit in Sevastopol, which raised legitimate security concerns.⁴⁶⁷ Having been a republic within the USSR after 1917, then downgraded to the Crimean Region (*Oblast*) in the Second World War, and then transferred to the Ukrainian SSR in 1954, the

⁴⁶¹ Fawn, "Russia's Reluctant Retreat from the Caucasus," 146.

⁴⁶² Cornell, "Military and Economic Security Perspectives," 5.

⁴⁶³ European Council, Presidency Conclusions, Annex 2, Declaration on Chechnya, 1999, Accessed 8-04-14, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/ACFA4C.htm, Para. 1-3.

⁴⁶⁴ Government of Georgia, "Report by the Government of Georgia on the Aggression by the Russian Federation against Georgia," Tbilisi, 2009, Accessed 29-01-13, <http://www.diaspora.gov.ge/files/faili/conclusion-eng.html>.

⁴⁶⁵ Department of Defence, United States of America, "Rumsfeld and Ivanov Discuss Nuclear Review," US: American Forces Press Service, 2002, Accessed 29-01-13, <http://www.defense.gov/News/NewsArt.aspx?ID=44254>.

⁴⁶⁶ Ugoda mizh Ukrainoyu ta Rosiiskoyu federatsieyu z pitan perebuvannya Chernomorskogo flotu Rosiiskoi Federatsii na teritorii Ukraini, 21.04.2010, Kharkiv, Accessed 6-12-13, http://zakon4.rada.gov.ua/laws/show/643_359, (in Ukrainian).

⁴⁶⁷ Nienke de Deugd, "Ukraine and NATO: The Policy and Practice of Co-operating with the Euro-Atlantic Security Community," Harmonie Paper No 20, The Netherlands: Centre for European Security Studies, 2007.

Autonomous Republic of Crimea, with a 2.4 million Russian majority, has been a subject of territorial dispute between Ukraine and Russia since 1991. Security concerns manifested themselves in 2014 when Russia signed the Treaty of Accession after recognising the independence of the Autonomous Republic of Crimea and the municipality of the Special Status City of Sevastopol in a disputed referendum of March 2014, invalidated by the UN. Russia further supported separatist forces at the Donetsk and Luhansk *oblasts* within the Donbas region (*Donetskyi basein*) of eastern Ukraine that ended with their secession and a ceasefire under the auspices of the OSCE, concluded in Minsk in February 2015.⁴⁶⁸ The strategic partnership with Abkhazia and South Ossetia, the subjugation of Crimea, and military intervention in Donbas all raise concerns about Russia's intentions in other conflict regions in the wider Black Sea region and further afield in the Baltic states.⁴⁶⁹ Against the backdrop of potential ramifications for European security, the lack of action by the EU reveals the inconsistency of its policy regarding both the South Caucasus and Ukraine.

4.4. Georgia's Integration into European and Euro-Atlantic Institutions

In 1996-2003, during the second phase of its foreign policy conduct, Georgia focused on integration with the Euro-Atlantic institutions. This took place against the backdrop of the EU's lack of interest in conflict resolution in the South Caucasus in the early 1990s, and intensified in the third phase of policy conduct in 2004-2013. The strengthening of ties with the US and NATO has become a contested issue in policy direction that requires analysis of the US involvement as another actor in the region and this subchapter engages with this subject first. The next section takes an overview of Georgia's foreign policy after the Rose Revolution in 2004. Georgia has conceptualised its external policy towards the West in terms of European and Euro-Atlantic integration. Analysis of the annual reports from the Office of the State Minister on European and Euro-Atlantic Integration of Georgia shows that the country continues to view this policy in duality, although it has different agendas of cooperation with NATO and the EU, as well as intersecting reforms policy applicable for both.⁴⁷⁰ Section three explains that increased cooperation with NATO, in line with the debate over NATO's eastwards expansion, is considered to provoke Russia in 2008. This section also touches upon how

⁴⁶⁸ Paul J. Saunders, "Russia's Uncertain Place in Europe," *The National Interest*, Washington: Center for National Interest, 2014, Accessed 14-11-14, <http://nationalinterest.org/commentary/russias-uncertain-place-europe-9915>.

⁴⁶⁹ Prezident Rossiiskoi Federatsii, Dogovor mezhdru Rossiiskoi Federatsii i Respublikoi Abkhazia o soyuznichestve i strategicheskome partnerstve, 25 Noiabrya 2014 goda, Moskva: Kreml, Accessed 9-12-14, http://news.kremlin.ru/ref_notes/4783, (in Russian); Prezident Rossiiskoi Federatsii, Dogovor mezhdru Rossiiskoi Federatsii i Respublikoi Iyzhnaia Osetiya o soyuznichestve i integratsii, 28 Marta 2015 goda, Moskva: Kreml, Accessed 18-03-15, http://news.kremlin.ru/ref_notes/4819, (in Russian).

⁴⁷⁰ Office of the State Minister on European and Euro-Atlantic Integration of Georgia, The Annual Report of the Office of the State Minister on European and Euro-Atlantic Integration of Georgia, Tbilisi, December 2013, Accessed 30-01-15, <http://eu-nato.gov.ge/en/news/5175>.

the precedents of international recognition of Kosovo, resonated in the *de facto* entities of Abkhazia and South Ossetia, although it has not been applicable to Georgia. The final section analyses the outbreak and aftermath of the armed conflict between Russia and Georgia by presenting the ways in which it has been narrated from the perspectives of the conflicting parties. In substance, Georgia's foreign policy has embraced multilateralism, reflected in its integration into European and Euro-Atlantic institutions, but sometimes contradicted itself, creating tensions with Russia.

4.4.1. US Interests in the South Caucasus and Central Asia

The historical landscape of the South Caucasus and Central Asia has been marked by the competing interests of Russia, the Western states, the US, and Turkey. The quest of the British Empire and the Tsarist Russia to dominate in the broader region is often described as a New Great Game, a reference to the 18th-century Great Game rivalries for supremacy in the Middle Eastern countries of Afghanistan, Iraq, and India.⁴⁷¹ Since the 20th century, the number of players in the region has increased to include Turkey, Iran, China, the US, and other Western powers.

In the 1990s the US started extending its political, economic and military interests towards the South Caucasus and Central Asian region. The primary obvious reason for the US involvement was that of economic interests in the Caspian resources, as an alternative source to Middle Eastern oil and gas.⁴⁷² David Harvey thinks that, since the world oil reserves have become depleted, it has become a priority for the US to access oil in the Middle East and to secure its presence within the distance of the Caspian oil fields in Uzbekistan and Kyrgyzstan.⁴⁷³ John Rees is of the same opinion, that the US has taken an interest in the "arc of oil states" spanning from Iran and Iraq to the Caspian on Russia's southern rim.⁴⁷⁴ Another incentive for the US to access Caspian energy was to reduce its dependence on imported oil from countries of the Organization of Petroleum Exporting Countries (OPEC). American policy towards regionalism in Central Asia produced contradictory impulses.⁴⁷⁵ S. Neil MacFarlane and George Khelashvili identify inconsistency in the American policy in the South Caucasus, reflecting an amalgam of ideological considerations, economic

⁴⁷¹ John William Kaye, *History of the War in Afghanistan*, II Volume (London: Bentley, 1857); Rudyard Kipling, *Kim* (London: MacMillan, 1901); Lutz Kleveman, *The New Great Game: Blood and Oil in Central Asia* (London: Atlantic Books, 2004); Mustafa Aydin, "(In)Security and Geopolitics in the Post-Soviet Eurasia, 1989-2005: Regional Threats, Transnational Challenges and Global Responses," in: *International Security Today*, eds. Mustafa Aydin and Kostas Ifantis, SAM Papers No 1/2006 (Ankara: Center for Strategic Research, 2006).

⁴⁷² Cornell, "Military and Economic Security Perspectives," 7.

⁴⁷³ David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003), 24, 196.

⁴⁷⁴ John Rees, "Imperialism: Globalisation, the State and War," *International Socialism Journal* 93 (2001): 3-30.

⁴⁷⁵ S. Neil MacFarlane, "The United States and Regionalism in Central Asia," *International Affairs* 80 (2004): 448.

interests, and convictions of the leadership.⁴⁷⁶ Rick Fawn and Sally Cummings explain the response of US and Europe with common policies to the Georgia-Abkhazia conflict by two features of the post-Cold War order: first, the US and West European economic interests are mutually constitutive in the Caucasus, and second, Western positions were solidified by the insignificance of US-Europe competition, and Russia's influence in the Caucasus.⁴⁷⁷ Economic interests have also prevailed in the EU's involvement in Central Asia, dictated by the diversification of supply.

US political engagement and economic interests in Central Asia and the South Caucasus gradually generated hostile reaction from Russia. After establishing its military presence in Central Asia, in 2002, the US contributed USD 64 million to the Georgian national security establishment, with the Georgia Train and Equip Program (GTEP), granting the country the largest US financial assistance *per capita*.⁴⁷⁸ Whilst Russia agreed to close down the military bases under the condition that other bases would not appear in the country, the former Soviet military airport in Vaziani, in fact, did host trainings of Commando Battalion, set up by the US in 2003, until 2008.⁴⁷⁹ Russia perceived the US forces on the former Russian base as a continuation of the Cold War competition that culminated in the Russian attack on Vaziani as a regular strategic target on 8 August 2008.⁴⁸⁰ After the conflict, the US actions to launch the Cooperative Longbow and Cooperative Lancer military exercises; under the United States–Georgia Charter on Strategic Partnership in 2009,⁴⁸¹ speeded up Russia's response to station its border guards in Abkhazia and South Ossetia.

Involvement of the EU in Central Asia for a short period of time was not a sign of a meaningful policy. When the EU took an interest in Central Asia, as Giovanni Grevi describes: “the EU has become a part of a greater game of geopolitical competition for political influence and natural resources.”⁴⁸² Despite energy interests, it was only in 2005 when building on the PCAs with five

⁴⁷⁶ S. Neil MacFarlane and George Khelashvili, “The Evolution of US Policy towards the Southern Caucasus,” *Uluslararası İlişkiler* 7 (2010): 105.

⁴⁷⁷ Rick Fawn and Sally Cummings, “Interests over Norms in Western Policy towards the Caucasus: How Abkhazia is No One's Kosovo,” *European Security* 10 (2001): 85.

⁴⁷⁸ Doug Stokes, “Blood for Oil? Global Capital, Counter-Insurgency and the Dual Logic of American Energy Security,” *Review of International Studies* 33 (2007): 258; Eric Miller, “Morale of US-Trained Troops in Georgia is High, But US Advisors Concerned About Sustainability,” *Eurasia Insight*, 2003, Accessed 12-01-14, <http://www.eurasianet.org/departments/insight/Art.s/eav050503.shtml>.

⁴⁷⁹ William D. O'Malley, “Central Asia and South Caucasus as an Area of Operations: Challenges and Constraints,” in *Faultlines of Conflict in Central Asia and South Caucasus: Implications for the US Army*, eds. Olga Oliker and Thomas S. Szayna (Pittsburgh: RAND, 2003), 28; Tea Kerdzevadze, “International Large-Scale Military Exercise ‘Immediate Response 2008’,” *Georgia Today*, 1 August, 2008, Issue No 419.

⁴⁸⁰ Ministry of Defence of Georgia, “Georgian Territories Bombed by Russian Jets,” Tbilisi: MoD, 2008, Accessed 23-11-08, <http://www.mod.gov.ge/2008/bombing/bombing-E.html>.

⁴⁸¹ United States–Georgia Charter on Strategic Partnership, Bureau of European and Eurasian Affairs, Washington: US Department of State, 2009, Accessed 16-01-14, <http://www.state.gov/p/eur/rls/or/121029.htm>.

⁴⁸² Giovanni Grevi, “Pioneering Foreign Policy: The EU Special Representatives,” Chaillot Paper №106, Paris: EUISS, 2007, 123.

Central Asian states, the EU appointed EUSR for Central Asia who was maintained only until 2013.⁴⁸³ The EU was also limited with its financial assistance under the Development Cooperation Instrument (DCI) to Central Asia.⁴⁸⁴ Despite the EU's preoccupation in TRACECA corridor and its investment in the region, consistency in the EU's other aspects of external policy towards Central Asia, much like in the South Caucasus, has remained uneven.

4.4.2. Georgia's Policy Conduct after Rose Revolution

Domestic and foreign policy conduct of Georgia altered after the Rose Revolution of 2003. This first democratic movement, was one of the coloured revolutions, such as Orange in Ukraine and Tulip in Kyrgyzstan, that was encouraged by the West and provided an example of transformation in the former Soviet states.⁴⁸⁵ Following the resignation of President Shevardnadze, after the disputed parliamentary elections in 2003, Mikheil Saakashvili, the leader of the party United National Movement (UNM), identified with a strong Western policy, came to power and declared conflict resolution a priority of his presidency. Nevertheless, in his inaugural speech on 25 January 2004, President Saakashvili extended "an arm of friendship to Russia."⁴⁸⁶ The second part of his presidency was marked by a reform process and domestic tensions. After the 2007 demonstrations and the 2008 presidential and parliamentary elections, in response to the EU's concern on judicial independence in Georgia, the government pointed to transformation compared to the rest of the South Caucasus countries, reflected in international assessment tables.⁴⁸⁷ According to the annual corruption index of Transparency International, Georgia ranked at 66 out of 179 countries, whilst Armenia ranked 120 and Azerbaijan 143 in 2009. This compares to the countries' standing in 2003, when they ranked 124, 78, and 124 respectively.⁴⁸⁸ Despite economic growth, political insecurity coupled with a lack of internal legitimacy prompted Georgia to seek external legitimacy.

Although since 1991 Georgia has made obvious its intention of increased cooperation with the West, it was after 2006 that an official foreign policy agenda was promulgated in national security

⁴⁸³ Council of the European Union, Council Joint Action 2005/588/CFSP on Appointing a Special Representative of the European Union for Central Asia, *Official Journal of the European Communities* L 199 2005, Accessed 2-02-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:199:0100:0102:EN:PDF>.

⁴⁸⁴ Commission of the European Communities, European Community Regional Strategy Paper for Assistance to Central Asia for the Period 2007-2013, Brussels, 2007, Accessed 8-02-14, http://eeas.europa.eu/central_asia/rsp/07_13_en.pdf.

⁴⁸⁵ Lincoln A. Mitchell, *Uncertain Democracy: US Foreign Policy and Georgia's Rose Revolution* (Philadelphia: University of Pennsylvania Press, 2009), 112.

⁴⁸⁶ Administration of the President of Georgia, Inaugural Speech by President of Georgia Mikheil Saakashvili, Tbilisi, 25 January 2004, Accessed 20-03-13, <http://president.gov.ge/en/President/Inauguration/>.

⁴⁸⁷ Freedom House, "Nations in Transit 2009 Report," Georgia, Washington: Freedom House, 2009, Accessed 12-01-14, <http://www.freedomhouse.org/template.cfm?page=485>.

⁴⁸⁸ Transparency International, Corruption Perceptions Index 2009, 2009, Accessed 10-02-10, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table.

and foreign policy doctrines. The national Security Concept of Georgia, drafted under the pro-Western administration, declares that “[o]ne of Georgia’s major foreign and security policy priorities is membership in NATO and the European Union.”⁴⁸⁹ Distinguishing between integration into the EU and membership in NATO, the Foreign Policy Strategy aspires to “establish Georgia’s place in the common European family by deepening integration into the EU and joining NATO.”⁴⁹⁰ After 2008, the amended Strategy lists occupation by Russia as a threat to Georgia’s national security, a position reinforced by the Law on Occupied Territories. Comparing this national security document *versus* the country’s national security, MacFarlane explains that, because of Georgia’s marginality to major European and Euro-Atlantic states and their institutions, the country underplayed the real challenges.⁴⁹¹ Whilst the newly elected government in 2013 has not changed the Western foreign policy direction, foreign policy *vis-à-vis* Russia slightly differs. As a resolution on the foreign policy adopted by the Parliament of Georgia in 2013 declares: “Georgia cannot be in diplomatic relations or be in political or customs relations with the states which recognise the independence of the occupied Abkhazia and Tskhinvali Region,” but despite this reservation, the document acknowledges that “Georgia conducts relations with Russia in both, the Geneva and bilateral formats, aiming to conflict resolution and development of good neighbourly relations with Russia.”⁴⁹² After 2013 the dual policy towards Russia has been conducted against the alignment policy with the European institutions elaborated at the end of this subchapter.

International recognition of the independence of Kosovo from Serbia in 2008, as well as that of the less controversial independence of Montenegro from Serbia in 2006, resonated in Abkhazia and South Ossetia. The independence of the former Serbian province was recognised by many Western countries, including 22 EU members and the US, and remains opposed by Belgrade, Moscow and Beijing. Although Kosovo’s recognition was referred as *sui generis* by Western counties, it raised broader concerns about the inviolability of borders across the Western Balkans, the Caucasus, East Asia, Iraq, Somalia and Sudan. By some, recognition of Kosovo’s sovereignty was taken as a precedential practice, by others, proclaimed independence cannot be seen as precedent setting.

⁴⁸⁹ National Security Council of Georgia, National Security Concept of Georgia, 2011, Georgia, Accessed 29-01-13, <http://www.nsc.gov.ge/files/files/National%20Security%20Concept.pdf>, 15.

⁴⁹⁰ Ministry of Foreign Affairs of Georgia, Foreign Policy Strategy 2006-2009, Tbilisi: MFA, 2006, Accessed 29-01-13, http://www.mfa.gov.ge/files/35_9440_673620_11.pdf, 9.

⁴⁹¹ S. Neil MacFarlane, “Georgia: National Security Concept versus National Security,” REP Paper 2012/01, London: Chatham House, The Royal Institute of International Affairs, 2012, Accessed 10-02-15, http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Russia%20and%20Eurasia/0812pp_macfarlane.pdf.

⁴⁹² Parliament of Georgia, Resolution on Primary Directions of the Foreign Policy of Georgia, Resolution №339-IIS, 7 March 2013, Kutaisi, Accessed 4-12-13, http://www.parliament.ge/index.php?option=com_content&view=Art.&id=3136:resolution&catid=54:statements-appeals-and-resolutions&Itemid=88&lang=ge, 3.

Kosovo's independence presented Moscow with issues about its internal boundaries and it was the Russian position that took the issue to international salience. The central aspect of Kosovo's precedents is that of rhetorical positions and the perception of the claim that was reflected in the positions of the conflict entities.⁴⁹³ The political leadership in Abkhazia welcomed the referendum on the independence in Montenegro. In May 2006 the Abkhaz *de facto* President Bagapsh (2005-2011) referred to the referendum as a precedent for the international community.⁴⁹⁴ It was announced by the Russian MID in 2008, that the independence of Kosovo should be applied to Abkhazia and South Ossetia.⁴⁹⁵ The Georgian MFA immediately underscored a distinction between the cases of Kosovo and that of Abkhazia and South Ossetia.⁴⁹⁶ Comparisons of these three imply that the Georgian population was the minority in Abkhazia, committing atrocities against the Abkhaz majority. In fact, as the Georgian side repeatedly clarifies, whereas the Serbian majority committed genocide against the Albanian minorities, in Abkhazia and South Ossetia it was the majority Georgian population who was displaced.⁴⁹⁷ The independence of Kosovo did resonate in the *de facto* entities, yet it did not set a precedent for independence in the former Soviet space.

4.4.3. Georgia's Partnership with NATO

Georgia's Euro-Atlantic policy has emerged at the forefront of the international debate on NATO's eastward expansion, with the debate largely falling across two lines of thought. On the one side, a structural realist approach sees the growing irrelevance of NATO, whilst the classical realist vision still finds a *raison d'état* for this alliance. In the 2000s, Ian Thomas, and Kelly-Kate Pease argued against NATO's expansion towards the regions where Russia has strategic interests.⁴⁹⁸ Frank Schimmelfennig, Karin Fierke, and Colin Dueck add that, by not interfering in the Caucasus, NATO avoids overextension.⁴⁹⁹ For David G. Haglund, NATO is becoming more "Europeanised,"

⁴⁹³ Rick Fawn, "The Kosovo and Montenegro Effect," *International Affairs* 84 (2008): 269-82.

⁴⁹⁴ Radio Free Europe / Radio Liberty, "Georgia: Moldovan, Georgian Separatists Hail New Montenegro," 2006, Accessed 15-04-13, <http://www.rferl.org/content/Art./1068586.html>.

⁴⁹⁵ Ministerstvo Inostrannikh Del Rossiiskoi Federatsii, Soobshchenie dlia SMI o vstreche Ministra inostrannikh del Rossii S.V.Lavrova s Prezidentom Abkhazii S.V.Bagapshem i Prezidentom Iuzhnoii Osetii E.D.Kokoiiti, 206-15-02-2008, Rossiya: MID, Accessed 10-04-14, http://www.mid.ru/brp_4.nsf/newsline/817C93BE967DCE05C32573F0003A0ADC, (in Russian).

⁴⁹⁶ Ministry of Foreign Affairs of Georgia, Statement of the Ministry of Foreign Affairs of Georgia, 16 February 2008, Tbilisi: MFA, Accessed 10-04-14, http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=59&info_id=5999.

⁴⁹⁷ Interview 1.

⁴⁹⁸ Ian Q. R. Thomas, *The Promise of Alliance: NATO and the Political Imagination* (Lanham: Rowman, 1997); Kelly-Kate S. Pease, *International Organizations: Perspectives on Governance in the Twenty – First Century* (New Jersey: Prentice, 2000).

⁴⁹⁹ Frank Schimmelfennig, "NATO's Enlargement to the East: An Analysis of Collective Decision-Making," NATO Individual Fellowship Report, Germany: Technische Universität Darmstadt, 2000, Accessed 03-12-08, <http://www.nato.int/acad/fellow/98-00/schimmelfennig.pdf>; Karin M. Fierke, "Dialogues of Manoeuvre and Entanglement: NATO, Russia, and the CEECs," *Millennium: Journal of International Studies* 28 (1999): 51; Colin Dueck, "Ideas and Alternatives in American Grand Strategy, 2000 – 2004," *Review of International Studies* 30 (2004): 511-35;

similar to that of the ESDP, with less global reach.⁵⁰⁰ Opponents thus argue that there is no reason for NATO enlargement as it does not serve the immediate self-interests of the member states.

Proponents of NATO eastern enlargement suggest that extending integration can stabilise the Balkans and the South Caucasus. William Wallace observes that the enlargement to the former communist countries of Poland, Hungary, and the Czech Republic in 1999, which signified shift to the new structure of the European post-Cold War order, meant that the relationship between this structure and other states, particularly Russia and Turkey, was not defined.⁵⁰¹ As a result, this caused disagreement among the Western governments in their policies towards Europe's peripheral states. Responding to concerns about the return of Russian nationalism in Central and Western Europe and the Caucasus, Nicholas Burns, a US Undersecretary of State for Political Affairs (2005-2008), sees that NATO and the EU need to keep an open door policy on enlargement with accession criteria.⁵⁰² In the words of the former American diplomat: "Georgia has a long way to go to meet membership requirements, but as a democratic state it should be free to choose an entry into alliances."⁵⁰³ After examining the ramifications of Euro-Atlantic integration on relations with Russia, the remaining section focuses on the Atlantic partnership with an emphasis on cooperation.

Georgia's Atlantic policy has been contested in academic and policy circles. One line this has been taken is that Georgia's integration brings security by enabling the country to exercise its sovereign power over the conflict entities. As a Georgian high-ranking foreign policy maker stated in 2009, the country would remain in the spiralling conflicts unless it joins the Atlantic collective security community.⁵⁰⁴ Apart from security guarantees, whilst NATO aims to transform military culture by promoting democratic control over the armed forces, Georgia expects to receive support in the modernisation of infrastructure, equipment and military technologies. However, as a Euro-Atlantic policy maker in Georgia correctly recollected, it is important to understand whether NATO integration is a means or end goal for Georgia, and as for its transition to membership it largely depends on country's reforms implementation.⁵⁰⁵ The reform process intersects the policies of both European and Euro-Atlantic integration alike. For the Georgian Government joining NATO has

⁵⁰⁰ David G. Haglund, "Trouble in Pax Atlantica? The United States, Europe, and the Future of Multilateralism," in *US Hegemony and International Organization*, eds. Rosemary Foot, S. Neil MacFarlane and Michael Mastanduno (Oxford: Oxford University Press, 2003), 237.

⁵⁰¹ William Wallace, "Conclusions: Strategic Change and Incremental Adjustment," in *Rethinking European Order*, eds. Robin Niblett and William Wallace (New York: Pelgrave, 2001), 268.

⁵⁰² Nicholas Burns, "Global Challenges for Europe and America," Public Lecture, London School of Economics and Political Science, Podcast, Recorded on 13 July 2010, London: LSE, Accessed 30-01-14, <http://www.lse.ac.uk/newsAndMedia/videoAndAudio/channels/publicLecturesAndEvents/2010.aspx?show=all>, 01:07.

⁵⁰³ Interview 24.

⁵⁰⁴ Interview 6.

⁵⁰⁵ Interview 7.

meant the resolution of territorial disputes.⁵⁰⁶ However, as the NATO Study on Enlargement explicitly requires: “[s]tates which have ethnic disputes ... must settle those disputes by peaceful means in accordance with the OSCE principles.”⁵⁰⁷ NATO is clearly unlikely to invoke Article 5 on collective self-defence of the North Atlantic Treaty to resolve conflicts in Georgia.⁵⁰⁸ Joining NATO without territorial integrity may reestablish the territorial *status quo* in Georgia. Another point is the country’s humanitarian contribution to international peacekeeping that has been added to the other matter of antagonising Russia. Sceptics are unconvinced of the argument that membership of NATO, on the contrary, improve Russian-Georgian relations through balancing their political collaboration. Notably, the reliability of partnership relations between Georgia and the US and the EU is questioned as neither of these actors has managed to foster a genuine policy towards Georgia.⁵⁰⁹ Since the early 2000s, the closer Georgia cooperated with the US the more it has aggravated Russia. Such a reactive response was not only true in terms of Georgia’s policy to join NATO, Russia treated with same hostility bilateral relations between Georgia and the US.

Despite ambivalent prospects, Georgia has steadily pursued NATO integration. Initially in 1992, the country joined the North Atlantic Cooperation Council (NACC), developed the first individual Partnership for Peace (PfP) program in the former CIS, and engaged in the NATO peacekeeping operations. In 1999-2008, the Georgian military units participated in the Kosovo Peacekeeping Force (KFOR). In 2003-2008 Georgia contributed to the Coalition Forces in Iraq and since 2004, the country has maintained the second largest military contingent in the International Security Assistance Force Operation (ISAF) in Afghanistan. In addition, the South Caucasus has become a logistical transit for the US and Coalition aircrafts to the Middle East.⁵¹⁰ Based on the Georgia-NATO Agreement on the Provision of Host Nation Support and Transit of NATO Forces and NATO Personnel signed in 2005, the ISAF mission was allowed transit via air, road and rail infrastructure.⁵¹¹ Georgia’s commitment to fight international terrorism was recognised in an

⁵⁰⁶ Temur Iakobashvili and Jonathan Kulick, “Can Georgia Join NATO Without Solving the Conflicts in Abkhazia and South Ossetia?” The German Marshall Fund of the United States, *Black Sea Paper Series* 3 (2008), Accessed 10-01-13, <http://www.gmfus.org/doc/Black%20Sea%20Paper%20No.%203%2010-26.pdf>.

⁵⁰⁷ North Atlantic Treaty Organization, Study on NATO Enlargement, 1995, Brussels: NATO, Accessed 16-01-14, http://www.nato.int/cps/en/natolive/officiafl_texts_24733.htm?selectedLocale=en, Cht. 1(6).

⁵⁰⁸ The North Atlantic Treaty, Washington: NATO, 1949, Accessed 4-01-14, http://www.nato.int/nato_static/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf.

⁵⁰⁹ Damien Helly and Giorgi Gogia, “Georgian Security and the Role of the West,” in *Statehood and Security: Georgia after the Rose Revolution*, eds. Bruno Coppieters and Robert Legvold (Cambridge: MIT Press, 2005), 275.

⁵¹⁰ Vladimir Socor, “U.S.-Georgia Security and Military Agreement in the Works,” The Jamestown Foundation, *Eurasia Daily Monitor*, 5 (241), 2008, Accessed 16-01-14, [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=34280&tx_ttnews\[backPid\]=7&cHash=2db12273f2](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=34280&tx_ttnews[backPid]=7&cHash=2db12273f2); Antonina Habova, “NATO Eastward Enlargement: Strategic Implementations for Eurasia,” Bulgaria: Institute for Regional and International Studies, 2005, Accessed 16-01-14, http://www.iris-bg.org/files/Nato_Eurasia.pdf, 6.

⁵¹¹ North Atlantic Treaty Organization, NATO and Georgia to Sign a Transit Agreement, 2005, Accessed 16-01-14, http://www.nato.int/cps/en/SID-426FAEC9-396B3265/natolive/news_21668.htm?selectedLocale=en.

interview with a private secretary to a defence secretary in a major NATO member state.⁵¹² Whilst appreciating country's role in overseas operations, the NATO, as reflected in remarks by the Secretary General of NATO, Anders Fogh Rasmussen, tends to refer to Georgia as a "strong and committed NATO partner."⁵¹³ Likewise, instead of membership, it is cooperation that the US, as a major NATO state, uses in relation to Georgia as voiced by the US President George W. Bush during his visit to Tbilisi on 10 May 2005: "We respect Georgia's desire to join the institutions of Europe. We encourage your closer cooperation with NATO."⁵¹⁴ NATO member states have different attitudes towards enlargement, whereas Georgia remains in the area of Russian influence with a divided opinion whether or not the country should seek a military alliance or a balanced policy. Therefore, the prospect of cooperation with NATO is clear but membership is dubious.

Despite the ambiguity of membership, Georgia has participated in programmes for aspiring countries in their preparation for membership. As the first partner country to implement the Individual Partnership Action Plan (IPAP) with NATO, having completed the IPAP in 2004-2008, and being within an Intensive Dialogue format with NATO since 2006, Georgia has hoped to move to the next stage of cooperation by receiving the MAP. Participation in the MAP prepared Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia, Albania and Croatia for membership in 2004 and 2009. The decision taken at the Bucharest Summit of NATO in April 2008 by the NATO leaders not to grant Georgia and Ukraine the MAP, was interpreted by the Georgia authorities as politically motivated by Germany and France to appease Russia.⁵¹⁵ In this line of reasoning, as a Georgian diplomat in the UK viewed, political signals emanating from the major member states allowed Russia *carte blanche* to re-examine its new power status towards Georgia.⁵¹⁶ The decision of the EU member states within NATO conflicted with common Western values and shattered the credibility of NATO as a collective alliance as a guarantee security on the European continent.⁵¹⁷ Given this controversy, the NATO-Georgia Commission (NGC) took cooperation further. The portrayal of the Bucharest Summit as a cause of the armed conflict in August 2008 did not convince the member states to revisit their decision on the next summit in Wales in 2014.

⁵¹² Interview 37.

⁵¹³ North Atlantic Treaty Organization, "NATO Secretary General Praises Georgia's Reform Efforts," Newsroom, Brussels, 2014, Accessed 12-02-14, http://www.nato.int/cps/en/SID-00FDE72E-F4945EF0/natolive/news_106878.htm.

⁵¹⁴ United States Department of State, "President Addresses and Thanks Citizens in Tbilisi, Georgia," President George W. Bush, US Department of State Archive, 10 May 2005, Accessed 18-03-13, <http://2001-2009.state.gov/p/eur/rls/rm/45891.htm>.

⁵¹⁵ North Atlantic Treaty Organization, NATO's Relations with Georgia, 2013, Brussels, Accessed 19-11-13, http://www.nato.int/cps/en/natolive/topics_38988.htm?selectedLocale=en.

⁵¹⁶ Interview 1.

⁵¹⁷ Ibid.

The outcome of the Bucharest Summit influenced opinions in the Georgian leadership for intensifying institutional relations with the EU. This understanding is not uncommon in Georgia that, in contrast to NATO policy, it is more achievable to draw closer to the EU. European policy has gradually been shaped against the backdrop of limited prospects of closer cooperation with the Atlantic institution. Similar to that of respecting a country's choice of alliance, a Commission official responded that since several member states had embarked on a strong European-NATO membership, the EU would not discourage Georgia from following a similar path; however, it was clearly asserted that Georgia does not have an accession perspective to the EU or to the NATO.⁵¹⁸ The view of a Council official in 2009 was that because many members of the EU would not be willing to offer Georgia an accession perspective, it is more feasible to seek an alignment of economic and political institutions with those of the EU through its neighbourhood instruments notably association, free trade, and visa facilitation agreements.⁵¹⁹ This is how Georgia is seen to remain committed to the European approximation agenda.

The EU tends to emphasise that relations with Georgia are conditional upon the country's reform progress. Such a conditional approach is evident in the response of an MEP that Georgia will have prospects of integration into the EU when the country meets the set criteria.⁵²⁰ Shortly after the 2008 war, a personal representative of the SG/HR said that, whilst Georgia needs an accession perspective for stability, the more crisis-prone Georgia seems, the less likely it is to receive such an assurance yet the more Georgia needs it; this is what the official called the "paradox of integration perspective."⁵²¹ This view of foreign policy behaviour is significant in that it tacitly reflects the position of the Georgian Government. As the official suggested, Georgia can only anchor itself into the EU family through the intermediate steps of becoming a more robust democracy:

What Georgia needs most is a democratic consolidation. It needs better governance, less polarisation at home and to find a *modus vivendi* with Russia. Georgia needs to achieve this to join the European Union.⁵²²

The EU has pledged to support the country's institutional reform commitment, but has also kept boundaries clear by emphasising conditionality. As Graham Avery and Fraser Cameron observe, contrary to the previous enlargements to the CEE, where the prospect of EU membership was an inducement for transformation, being nebulous about similar prospects with the South Caucasus countries, the EU has limited scope to alter their behaviour.⁵²³ On EU policy in this part of its neighbourhood, Fawn notes that in contrast to the Western Balkan countries, the EaP excludes

⁵¹⁸ Interview 11.

⁵¹⁹ Interview 13.

⁵²⁰ Interview 8.

⁵²¹ Interview 15.

⁵²² Ibid.

⁵²³ Graham Avery and Fraser Cameron, *The Enlargement of the European Union* (England: Sheffield Academic Press, 1998).

membership and its influence on three South Caucasus countries hence remains constrained.⁵²⁴ By 2014, among the South Caucasus countries, Georgia had embarked on visa, association and free trade agreements, the EU is therefore more likely to incentivise the country's reform process by stronger sectoral cooperation in other areas, similar to its external transport policy.

Cooperation in the EU's international peacekeeping operations under the CFSP, similar to participation in the NATO missions, has been an important dimension of Georgia's contribution to the EU that to date has received little policy and academic attention. This significant security-related aspect of EU-Georgia cooperation, agreed at the EaP Vilnius Summit in 2014, received little policy attention. Since 2012, Georgia has participated in the EU's three new peace operations under the CFSP – European Union Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean (EUCAP Nestor), European Union Training Mission in Mali (EUTM Mali), and European Union Border Assistance Mission in Libya (EUBAM Libya). By signing a Framework Participation Agreement on Georgia's contribution in the EU's crisis management operations at the Summit, Georgia and the EU created a permanent legal basis for Georgia's involvement in the EU's peace missions.⁵²⁵ Similar to relations with NATO, contribution to CFSP peacekeeping missions is seen to strengthen political links between the Council and Georgia and enhance the national capacity in maritime security.⁵²⁶ The absence of a naval fleet in Georgia, however, raises a question about the relevance of technical and human resource capacity building and substantial validity for Georgia's contribution to international peacekeeping missions.

Without clear integration prospects into the European and Euro-Atlantic structures, Georgia has not been dissuaded from its policy direction intensified in the third phase of its foreign policy in 2004-2014. With increasing political and military insecurity, the Georgian Government has viewed integration into European institutions much as it has regarded cooperation with NATO, as a means of resolving territorial disputes, as is demonstrated in the following section.

4.4.4. Armed Conflict between Russia and Georgia in August 2008

Responsibility for the renewal of the conflict in August 2008 is contested. From July 2008, a series of incidents and frequent hostilities developed into a combined inter-state and intra-state conflict,

⁵²⁴ Rick Fawn, *International Organizations and Internal Conditionality: Making Norms Matter* (Basingstoke: Palgrave, 2013), 13.

⁵²⁵ European External Action Service, "EU and Georgia Sign Framework Agreement on Participation in EU Crisis Management Operations," Press Release 131129/02, 29 November 2013, Vilnius, Accessed 29-11-13, http://www.eeas.europa.eu/statements/docs/2013/131129_02_en.pdf.

⁵²⁶ Nino Kereselidze, "Interdisciplinary Approach and Hybrid Policy to Maritime Piracy," *International Journal of Political Science and Development* 2 (2014): 161.

between the opposing Georgian and the separatist South Ossetian, as well as with Abkhaz forces on one level, and the Georgian and Russian forces on another.⁵²⁷ Regarding the situation prior to the night of 7 to 8 August 2008, the date in question which is considered the start of the war, the Parliamentary Assembly of the Council of Europe (PACE) in its Resolution 1633 (2008) stated, “the outbreak of the war ... was the result of a serious escalation of tension, with provocations and ensuing deterioration of the security situation, which had started much earlier. ... The initiation of shelling of Tskhinvali constituted a disproportionate use of armed force by Georgia. ... The Russian counter-attack, including large-scale military actions equally failed to respect the principle of proportionality.”⁵²⁸ According to a Georgian scholar in international law, the “start of the war was a preventive defence from the Georgian side in response to continuing artillery shelling affecting the civilian population.”⁵²⁹ The EU commissioned its fact-finding mission (IIFFMCG), the first of its kind, to verify the situation.⁵³⁰ This mission produced three major findings: a) in the broader run-up to the conflict with violent incidents, an armed offensive in South Ossetia was conducted by the Georgian armed forces on 7 August, b) the force was used by South Ossetia and Russia against Georgia, and c) there was no justification for humanitarian intervention and the disproportionate use of force by invitation of the South Ossetian authorities.⁵³¹ It is critical that the focus on who fired first shifts the emphasis on to how the crisis came about in the first place. It is more beneficial to examine security conditions on the ground.

The unfolding narratives about the commencement of the armed conflict suggest insight to contradictory primary sources and secondary interpretations. The findings of preconditions to the conflict are to agree with Rick Fawn and Robert Nalbandov, in whose view “the start of the conflict must be understood in terms of an interlinking cycle of events.”⁵³² In their article, the authors put forward that each party framed the conflict in their own ways with their meta-narratives and the contested narratives make it impossible to verify.⁵³³ On the Georgian side, the narrative includes the reincorporation of the lost territories, Euro-Atlantic integration and the Russian plans for war. As

⁵²⁷ Hans Mouritzen and Anders Wivel, *Explaining Foreign Policy: International Diplomacy and the Russo-Georgian War* (Boulder: Lynne Rienner, 2012).

⁵²⁸ Parliamentary Assembly of the Council of Europe, Resolution 1633 (2008), The Consequences of the War between Georgia and Russia, Strasbourg: PACE, Accessed 9-01-14, <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=17681&Language=EN>, 1.

⁵²⁹ Interview 66.

⁵³⁰ Council of the European Union, Council Decision 2008/901/CFSP of 2 December 2008 on an Independent International Fact-Finding Mission on the Conflict in Georgia, *Official Journal of the European Union* L 323 2008, Accessed 13-01-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:323:0066:0066:EN:PDF>.

⁵³¹ Heidi Tagliavini, Independent International Fact-Finding Mission on the Conflict in Georgia, Report, Volume II, Brussels: Council of the European Union, 2009b, Accessed 16-01-13, http://www.ceiig.ch/pdf/IIFFMCG_Volume_II.pdf, 238, 262-63, 276, 280.

⁵³² Rick Fawn and Robert Nalbandov, “The Difficulties of Knowing the Start of War in the Information Age: Russia, Georgia and the War over South Ossetia, August 2008,” *European Security* 21 (2012): 57.

⁵³³ Fawn and Nalbandov, “The Difficulties of Knowing the Start of War in the Information Age,” 60.

the high-ranking Georgian diplomat accounted, reflecting this narrative, following the outcome of the Bucharest Summit, first, Russia established official relations with the autonomies; second, after building a military base in the town of Java near Tskhinvali, Russia increased its contingents in both territories and conducted military exercises of the 58th army at direct borders with Georgia; third, Russia delivered arms through the Roki tunnel across the shared border with Georgia; fourth, Russia proceeded with the reconstruction of the railway line between Russia and Ochamchire.⁵³⁴ The deteriorating security conditions at the Georgian borders constituted the preconditions to the war. From the perspective of the Georgian leadership, military strikes embodied Russia's intentions to force regime change.

The Russian version of the narrative is objection to the functioning of the international system. The South Ossetian side is preoccupied with historical efforts to be kept in Georgia.⁵³⁵ During the war, President Putin accused the Georgian political leadership of receiving "political and material support from their foreign guardians."⁵³⁶ Next to justification by the argument of collective self-defence, Russia explained its military actions with the principle of Responsibility to Protect (R2P).⁵³⁷ The R2P concept, stipulated in the UN General Assembly Resolution 60/1 (2005), means that the international community assumes responsibility to protect populations with a political decision to intervene taken by the Security Council.⁵³⁸ As MacFarlane clarifies, intervention must be justified with normative principles accepted by international society in order for it to be legitimately mandated.⁵³⁹ In Georgia's case, without the UN approval, there was no legitimate ground for the R2P-based intervention. After the military strikes, Russia extended its operations to the other parts of Georgia by targeting military bases in Gori and stopping short of Tbilisi. On the western flank, the separatists in Abkhazia took upper Kodori Gorge, captured the Senaki Junction and blocked access to the port of Poti. Both sides used cluster munitions as neither was party to the Convention on Cluster Munitions, the usage of which Georgia acknowledged but Russia denied.⁵⁴⁰ Besides damaging Russia's international image with another armed conflict waged in the Caucasus after Chechnya, the conflict caused a downturn in Moscow's stock exchange market and a net

⁵³⁴ Interview 1.

⁵³⁵ Fawn and Nalbandov, 62-63, 81.

⁵³⁶ Prezident Rossiiskoi Federatsii, Zayavlenie Prezidenta Rossiiskoi Federatsii Dmitriya Medvedeva 26 Avgusta 2008 goda, Moskva: Kreml, Accessed 9-01-12, http://archive.kremlin.ru/appears/2008/08/26/1545_type63374type82634type205158_205744.shtml, (in Russian).

⁵³⁷ Gereth Evans, "Russia, Georgia and the Responsibility to Protect," *VU Amsterdam: Amsterdam Law Forum* 1 (2009), Accessed 15-05-09, <http://ojs.ubvu.vu.nl/alf/Art./viewFile/58/861>, 24.

⁵³⁸ United Nations General Assembly, Resolution A/RES/60/1, 2005 World Summit Outcome, 24 October 2005, Accessed 8-04-14, <http://www.un.org/en/preventgenocide/adviser/pdf/World%20Summit%20Outcome%20Document.pdf#page=30>, Para. 138-40.

⁵³⁹ S. Neil MacFarlane, "Intervention in Contemporary World Politics," *Adelphi Paper* 42 (2009): 11.

⁵⁴⁰ Amnesty International, *Civilians in the Aftermath of War: The Georgia – Russia Conflict One Year On* (London: AI, 2009), 33.

foreign capital outflow of USD 133.9 billion in 2008 that slowed to USD 33.6 billion in 2010.⁵⁴¹ For some experts, apart from the great power's coercive policy, the conflict was a mixture of the Georgian Government's attempt to reverse military actions in South Ossetia back in 2004, coupled with miscalculation and confidence about US support.⁵⁴² This view also resonated in the words of a Council official: "Georgia should pursue a responsible and mature foreign policy towards its neighbours."⁵⁴³ Georgia, being uncertain about Russia's offensive intentions, perceived survival to be vital for the state.

The human consequences of the "five-day war" added to the demographic issue in Georgia. According to the EU enquiry, the Georgian side reported 412 servicemen and civilian casualties and 1,747 wounded; the South Ossetian side claimed 365 casualties; the Russian side spoke of 67 servicemen killed, altogether 850 lost lives excluding people wounded and missing.⁵⁴⁴ The UNHCR estimated 138,000 displaced, of which 30,009 have still not been repatriated.⁵⁴⁵ 18,500 people were put in temporary settlements in Tserovani and Tsilkani, with very basic facilities.⁵⁴⁶ The Federal Migration Service of the Russian Federation reported that, out of 3,013 Georgian residents who appealed for a refugee status, 76 were granted this status and 1,526 were provided temporary settlements in Russia.⁵⁴⁷ The displacement, in 2008, added to 247,000 internally displaced from the previous two wars amounting to 6% of Georgia's total population.⁵⁴⁸ To put this into context, internal developments and third party involvement constituted the preconditions of conflict.

The change of power in 2013 marked another shift in Georgian foreign policy conduct. The coalition Georgian Dream, led by Bidzina Ivanishvili, building on the opposition Alliance of Georgia (Republicans, the New Rights Party, the Georgian Way, and the Free Democrats) that served as a precursor movement, became a competitive opposition led by Bidzina Ivanishvili who came to power as the first Prime Minister after constitutional amendments in 2009.⁵⁴⁹ After

⁵⁴¹ United States Department of State, Investment Climate Statement Russia Report, Bureau of Economic and Business Affairs, 2012, Accessed 23-02-13, <http://www.state.gov/e/eb/rls/othr/ics/2012/191223.htm>.

⁵⁴² Nargiza Gamisonia and Dodo Pertaiia, *Ruset-sakartvelos 2008 tsli omi da misi shedegebi* [The Russian-Georgia War 2008 and Its Consequences], (Tbilisi: Universali, 2009), (in Georgian); James Sherr, "Culpabilities and Consequences," REP BN 08/01, London: Chatham House, The Royal Institute of International Affairs, 2008, Accessed 9-01-14, http://www.chathamhouse.org/sites/default/files/public/Research/Russia%20and%20Eurasia/0908rep_sherr.pdf.

⁵⁴³ Interview 13.

⁵⁴⁴ Tagliavini, IIFFMCG Report, Volume I, 11.

⁵⁴⁵ UNHCR, Gap Analysis, 5.

⁵⁴⁶ Amnesty International, *Civilians in the Line of Fire: The Russia-Georgia Conflict* (London: AI, 2008).

⁵⁴⁷ Federalnaya Migratsionnaya Sluzhba, *Doklad o rezultakh i osnovnikh napravleniyakh deyatel'nosti Federalnoii migratsionnoi sluzhbi na 2010 god, Zadacha 2.4. Predostavlenie inostrannim grazhdanam ubezhishcha v Rossiiskoi Federatsii*, Moskva: FMS, 2009, Accessed 22-03-14, http://www.fms.gov.ru/about/statistics/otchet_doklad_gosorgana/drond_2010/index.php, (in Russian), 35.

⁵⁴⁸ Ministry of Internally Displaced Persons from the Occupied Territories, *State Strategy for Internally Displaced Persons*, Tbilisi: MIDPOC, 2007, Accessed 28-01-13, <http://mra.gov.ge/res/docs/2013103012364252646.pdf>, 2.

⁵⁴⁹ Interview 5.

President Saakashvili left office following the 2013 presidential elections, Giorgi Margvelashvili, as the President of Georgia, and Irakli Gharibashvili, as the Prime-Minister of Georgia, made dual promises about foreign policy priorities: to continue the European and Euro-Atlantic integration and to improve relations with Russia.⁵⁵⁰ European and Euro-Atlantic integration has remained a main priority of Georgia's foreign and security policy, evidenced in the signing of the AA.⁵⁵¹ Since then relations with Russia have been separated into political and economic terms. The introduction of the post of the Prime Minister's Special Representative for Relations with Russia opened direct dialogue with Russia represented at the rounds by Deputy Foreign Minister Grigory Karasin. In the economic realm, road transportation of cargo was reopened between the two countries in 2013.⁵⁵² By 2014, trade increased with Russia becoming the main trade partner, with 6% of imports and 10% in exports with Georgia.⁵⁵³ Despite resumed economic exchange, relations between the two have remained in a political impasse. Georgia has sought gradual redress of tensions with Russia but retained the lines of contestation unchanged, and, likewise, Russian policy towards Georgia has remained unshaken, with Moscow expecting Georgia to accept the new reality.

4.5. EU Foreign Policy on Conflict Resolution towards the South Caucasus

There has been a lack of coherence in the EU's attitude to conflict resolution in the South Caucasus from the early 1990s until the aftermath of the Russia-Georgia conflict. After defining conflict resolution and mediation, this subchapter offers three explanations for the lack of coherence: limited awareness, the presence of international actors, and an inability to incentivise the conflicting parties. For the purpose of the argument, mediation and conflict resolution should be defined.

This thesis draws on a leading criteria of a contextual instead of a general definition of terms.⁵⁵⁴ As Jacob Bercovitch and Richard Jackson explain, conflict resolution is a process that helps parties achieve a better *modus vivendi*.⁵⁵⁵ According to Jacob Bercovitch and Scott Sigmund Gartner,

⁵⁵⁰ Svante E. Cornell, *Getting Georgia Right* (Brussels: Centre for European Studies, 2013), 9.

⁵⁵¹ Ministry of Defence of Georgia, Strategic Defence Review 2013-2016, Tbilisi, 2013. Accessed 13-09-14, <http://www.mod.gov.ge/documents/yzqhgsgsreeng.pdf>, 6.

⁵⁵² Ministry of Economy and Sustainable Development of Georgia, "Georgia and Russia Agreed to Reopen Road Traffic Border," Tbilisi: MESD, 2013, Accessed 22-01-15, <http://www.economy.ge/en/media/news/georgia-and-russia-agreed-to-reopen-road-traffic-border>.

⁵⁵³ National Statistics Office of Georgia, External Trade, Georgia: Geostat, 2014, Accessed 30-01-15, http://www.geostat.ge/index.php?action=page&p_id=137&lang=eng.

⁵⁵⁴ John Gerring, *Social Science Methodology: A Criterial Framework* (Cambridge: Cambridge University Press, 2001), 65; Moritz Schlick, "Positivism and Realism," in *Logical Positivism*, ed. Alfred J. Ayer (Westport: Greenwood Press, 1959), 87.

⁵⁵⁵ Jacob Bercovitch and Richard Jackson, *Conflict Resolution in the Twenty-First Century: Principles, Methods and Approaches* (Michigan: University of Michigan Press, 2009), 20.

mediation is a form of third-party assistance in which an outsider helps the parties with their conflict management.⁵⁵⁶ Drawing on these definitions, conflict resolution is a durable political solution to a conflict that works for the conflicting parties. Mediation, as a method of conflict resolution, is an influence by an external actor on the conflicting parties to reach a settlement of an escalated conflict. Since the 1990s, in specialist subfield of conflict, John Darby and Roger Mac Ginty advanced a concept of a peace process, Patricia Hayner proposed reconciliation, disarmament was set forth by Herbert Wulf, whereas John Paul Lederach, and Roger Fisher recognized the tendency of protracted conflicts to reignite.⁵⁵⁷ According to Roger Mac Ginty, an issue to the conceptualization of peace is that peace has no end point, and therefore, attempts to “solve” or “resolve” conflict misunderstand fluid nature of peace and conflict.⁵⁵⁸ The critics of orthodox literature of conflicts, notably David Chandler and Oliver P. Richmond argued that states emerging from conflicts had to confirm to neoliberal economic models of governance.⁵⁵⁹ Taken over by terms of conflict management, assuming that peace actors are conflict managers, the term conflict transformation that recognizes conflict as part of human existence is now current. Andrew Williams and Roger Mac Ginty propose that a more overarching category of peacebuilding is creating a lasting peace, above conflict settlement, management or resolution.⁵⁶⁰ According to the authors, the vital point underlying conflict resolution is that conflict and development is excluded from the discourse about “liberal peace.” From here follows that imposition of conflict resolution by intergovernmental institutions is a main driver for a “resolution” failure.⁵⁶¹ As I. William Zartmann observes, whilst a mediator helps conflicting parties in de-escalation, mediation does not determine the outcome of a negotiation process.⁵⁶² Karin Aggestam is thus cautious that a mediator is a third party which “may help the parties to minimize risks and uncertainties by assuming a credible role as a guarantor and sponsor of a negotiation process.”⁵⁶³ In the South Caucasus before the EU added

⁵⁵⁶ Jacob Bercovitch and Scott Sigmund Gartner, (eds.) *International Conflict Mediation: New Approaches and Findings* (London: Routledge, 2009), 20.

⁵⁵⁷ John Darby and Roger Mac Ginty, (eds.) *The Management of Peace Processes* (New York: Palgrave, 2000); Patricia Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (London: Routledge, 2010); Herbert Wulf, (ed.) *Disarmament and Conflict Prevention in Development Cooperation* (Bonn: BICC, 2000); John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institute of Peace, 1997); Roger Fisher, *Interactive Conflict Resolution* (New York: Syracuse University Press, 1997).

⁵⁵⁸ Roger Mac Ginty, *The Rejuvenation of Stalled Peace Processes and Peace Accord* (London, Palgrave, 2008), 18.

⁵⁵⁹ David Chandler, “EU Statebuilding: Securing the Liberal Peace through EU Enlargement,” *Global Society* 21 (2004): 593-607; Oliver P. Richmond, *The Transformation of Peace* (New York: Palgrave, 2005).

⁵⁶⁰ Andrew Williams and Roger Mac Ginty, *Conflict and Development* (London: Routledge, 2009), 105.

⁵⁶¹ Williams and Mac Ginty, *Conflict and Development*, 98.

⁵⁶² I. William Zartman, (ed.) *Elusive Peace: Negotiating an End to Civil Wars* (Washington: Brookings, 1995); I. William Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments,” *The Global Review of Ethnopolitics* 1 (2001): 8-18.

⁵⁶³ Karin Aggestam, “Enhancing Ripeness: Transition from Conflict to Negotiation,” in *Escalation and Negotiation in International Conflicts*, eds. I. William Zartman and Guy Olivier Faure (Cambridge: Cambridge University Press, 2005), 280.

mediation, as a form of conflict resolution to its foreign policy in 2008, as the forthcoming section explains, conflict resolution, as a whole, was conducted by the UN and CSCE/OSCE.

Despite the emerging conflict literature, the early part of 1990s, there was a shallow level of understanding in Europe of the way to approach conflicts in the former Yugoslavia and the former Soviet Union. As the director of a Northern Ireland-based NGO recalls, “Europe was unable to respond with institutional diplomacy to the rising issues in the Balkans and in the South Caucasus.”⁵⁶⁴ For most of the 1990s, the EU did not engage in civilian peacekeeping, and was not involved in the principal multilateral negotiations of the UN and CSCE/OSCE. It follows from this that legal documents adopted by the EU about the South Caucasus did not set out terms of conflict resolution policy. More specifically, the PCA agreements concluded by the EU with Georgia, Armenia and Azerbaijan in 1996 did not refer to conflict resolution. The primary reason EU conflict resolution remains underdeveloped was that, in line with liberal intergovernmentalist perspectives, the EU major member states held different views in their foreign policies.

The second reason EU conflict resolution was forestalled was the presence of the UN and the CSCE/OSCE, considered by the EU to be better suited to mediate in its neighbourhood. By examining the involvement of the UN in Abkhazia, and CSCE/OSCE in South Ossetia, the first section argues that the international presence perpetuated the *status quo* of those conflicts. The third circumstance that has hindered EU policy coherence, as suggested in the second section, is the EU’s inability to use its political image and financial assistance drawing on its engagement without recognition strategy, to incentivise the conflict parties to settle disputes.

4.5.1. International Mediation of the UN and OSCE

The presence of the UN in Abkhazia and of the CSCE/OSCE in South Ossetia limited the EU’s involvement in conflict resolution. The activities of these two international actors were neither productive nor complementary and they merely perpetuated the *status quo* of the conflicts. The UN and OSCE were in no position to mediate when the conflict in 2008 escalated. The EU was, therefore, confronted with a state of heightened security in its eastern neighbourhood. This section overviews UN and CSCE/OSCE mediation and against that EU’s limited approach.

Most academics and conflict experts agree that the international presence maintained protracted conflicts in the South Caucasus. In words of Mient Jan Faber and Mary Kaldor, international

⁵⁶⁴ Interview 30.

engagement “has primarily served to legitimise the *status quo*.”⁵⁶⁵ Gela Charkviani has a similar view, that, in Georgia, the separatists have retained jurisdiction over their territories, and the peacekeepers confirmed this reality.⁵⁶⁶ Vakhtang Kolbaya, Rafael Galantiya, David Latsuzbaya and Teimuraz Chakhrakhiya explain the passive observer stance of the Western states as a result of their relations to Russia.⁵⁶⁷ Solveig Richter and Wolfgang Zellner specify that the inability of the EU and NATO to prevent the conflict revealed a crisis in the cooperative security in Europe and argued that the OSCE would have provided a better framework for a dialogue.⁵⁶⁸ Nicu Popescu, Mark Leonard and Andrew Wilson are right to believe that in the presence of stronger international peacekeeping in South Ossetia, Georgia and Russia would have been unlikely to engage in military strikes.⁵⁶⁹ It was therefore imperative for the EU to prevent the recurrent tensions and build confidence.

The conference on Security and Co-operation in Europe (CSCE), a predecessor to the OSCE, was the primary international actor in South Ossetia, starting to monitor the conflict following the memoranda of understanding reached between the CSCE/OSCE, Georgia and South Ossetia.⁵⁷⁰ The peacekeeping force of the CSCE/OSCE took over the JPKF force of the JCC for monitoring. Russia, dominating the JPKF, presented itself as an intermediary, but being a signatory to the peace agreements, in fact, was a party in conflicts. Similar to South Ossetia, the CSCE/OSCE was also involved in the main forum for the settlement of conflict in Moldova (1991-1996) within the JCC, made up with representatives from the Republic of Moldova, Pridnestrovan Moldavian Republic (PMR), as well as Russia and Ukraine. In an analysis of the European context for the conflict resolution in Moldova, Williams notes that, with limited resources, despite good expertise in political conflicts, in the absence of political will, the CSCE/OSCE was not capable of committing to conflict resolution.⁵⁷¹ The CSCE/OSCE reconfirmed the *status quo* in South Ossetia.

⁵⁶⁵ Mient Jan Faber and Mary Kaldor, “Human Security in the South Caucasus,” in *A Human Security Doctrine for Europe: Project, Principles, Practices*, eds. Marlies Glasius and Mary Kaldor (New York: Routledge, 2006), 121.

⁵⁶⁶ Gela Charkviani, *Lectures, Speeches and a Toast. Three Postwar Speeches* (Tbilisi: Charkviani, 2009), 21.

⁵⁶⁷ Vakhtang Kolbaya, Rafael Galantiya, David Latsuzbaya and Teimuraz Chakhrakhiya, *Labirint Abkhazii* (Tbilisi: Kombinat Pechati, 2000), 229.

⁵⁶⁸ Solveig Richter and Wolfgang Zellner, “Ein Neues Helsinki für die OSZE?: Chancen für eine Wiederbelebung des Europäischen Sicherheitsdialogs,” SWP-Aktuell 2008/A 81, Berlin: Deutsches Institut für Internationale Politik und Sicherheit, Accessed 11-01-14, http://www.swp-berlin.org/common/get_document.php?asset_id=5489.

⁵⁶⁹ Nicu Popescu, Mark Leonard and Andrew Wilson, “Can the EU Win the Peace in Georgia,” Policy Brief ECFR/07, London: European Council on Foreign Relations – ECFR, 2008, Accessed 9-01-14, http://ecfr.3cdn.net/4bbadbbddd56f3daa1_pym6bh1g1.pdf.

⁵⁷⁰ Organization for Security and Co-operation in Europe, Survey of OSCE Field Operations, SEC.GAL/207/12, Vienna: Conflict Prevention Centre, 2012, Accessed 23-01-13, <http://www.osce.org/cpc/74783>.

⁵⁷¹ Andrew Williams, “The Conflict in Transnistria: Its Dynamics and Possible Solutions,” in *The Republic of Moldova: Time for a New EU Strategy*, ed. Leilah Bruton (Brussels: Stiftung Wissenschaft und Politik, 1999), Accessed 16-02-15, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.199.3420&rep=rep1&type=pdf>, 53.

In early years of conflict in Abkhazia, whilst Georgia faced secessionist moves, the UN was misinformed that Georgia was mistreating minorities. Not until 1993 was the UN persuaded to send a small group of observers, that was not enough against the military support provided by Russia.⁵⁷² In July 1993, the UN agreed to deploy 88 UNOMIG military observers (that varied to 150), with the presence of the United Nations Special Representative (UNSR), appointed the following year.⁵⁷³ Recalling 35 Security Council resolutions reaffirming Georgia's sovereignty, the UN was extending the UNOMIG mandate before Russia vetoed its renewal in 2009. Although between in 1993-2015 the UN has played various roles in the peace process, it has been unable to facilitate a political solution.⁵⁷⁴ Both the OSCE and the UN could not act impartially, considering the consensus nature of the OSCE and Russia's influence in the UN as a permanent member of the Security Council.

A group of major Western nations, Germany, France, the UK, the US, together with Russia, involved in peace efforts under the aegis of the UN in 1993. Initially called the Friends of Georgia (FOG), it changed to Friends of the Secretary-General (FOSG) to reflect impartiality. However, in contrast to Russia, Western countries as UN member states, inherently supported Georgia's sovereignty.⁵⁷⁵ The FOSG addressed security and political issues, the return of the displaced and economic cooperation, but their involvement simply reinforced a stalemate. With a slightly different mission, the New Group of Friends of Georgia, set up in 2004 by the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Poland, Bulgaria, Romania, the Czech Republic and the Kingdom of Sweden, urged the EU to participate in conflict resolution. This Group pursued post-conflict diplomacy instead of mediation in 2009. Another focal negotiating framework in Abkhazia was that of the discussions in Geneva, set up under the UNSR with the participation of the European nations, the US and Russia in 1994.⁵⁷⁶ Although the Geneva Process, led by the UN, contributed to the ceasefire in 1994, it turned into an open-ended dialogue that, in the opinion of Kornely Kakachia, compares favourably with the current Geneva Process led by the EU.⁵⁷⁷ The EU

⁵⁷² Interview 66.

⁵⁷³ United Nations Security Council, Resolution S/RES/849 (1993), 9 July 1993, Accessed 2-08-13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/393/04/IMG/N9339304.pdf?OpenElement>; United Nations Security Council, Resolution S/RES/858 (1993), 24 August 1993, Accessed 2-08-13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/466/03/IMG/N9346603.pdf?OpenElement>.

⁵⁷⁴ In 1993-2015 the UN in Georgia has played a diplomatic role (UNSR), a military role through its observer mission (UNOMIG), a humanitarian role (United Nations High Commissioner for Refugees (UNHCR), United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)), a development role (UNDP), a human rights role (United Nations Commission on Human Rights (UNCHR)), a low intensity confidence-building role (United Nations Volunteers (UNV)), and sectoral cooperation role through its specialized agencies (UN IMO, United Nations Commission on Human Rights (UNESCO)).

⁵⁷⁵ United Nations, "Group of Friends of Secretary-General Review Georgia-Abkhaz Peace Process," Press Release SG/SM/9646, UN: New York, 2004, Accessed 5-01-12, <http://www.un.org/News/Press/docs/2004/sgsm9646.doc.htm>.

⁵⁷⁶ Kommyunike po itogam vtorogo raunda peregovorov po voprosu o polozhenii v Abkhazii, Gruzya, Zheneva, 1994, Accessed 29-01-13, <http://www.un.org/ru/peacekeeping/missions/past/unomig/94-32.pdf>.

⁵⁷⁷ Kornely Kakachia, "European Union Conflict Management Policy – Case of Georgia," *Journal of East European and Asian Studies* 1 (2010): 505-10.

had no operational role in the peacekeeping forces either in the JCC, led by the CSCE/OSCE in South Ossetia since 1992, or in the UNOMIG, led by the UN in Abkhazia since 1994.

Settlement proposals offered by two governments in 2001 and 2008, about unlimited autonomy and wider federalism within Georgia, were not accepted by the Abkhaz and South Ossetian sides. Repeated appeals by President Saakashvili to review the mandate of the JCC in South Ossetia were not taken into account by OSCE states.⁵⁷⁸ In 2006, in an attempt to resolve their status, the central government relocated the Government of the Autonomous Republic of Abkhazia in-exile to Kodori in Upper Abkhazia, and in 2007 established the Provisional Administration of South Ossetia in Kurta. These moves were criticised as damaging the trust of people living in the entities.⁵⁷⁹ A five-point plan suggested by the Provisional Administration under Dmitry Sanakoev, concerning the formation of a government with *de facto* Administration under Eduard Kokoity, was also dismissed.⁵⁸⁰ In response to the insurgency in Kodori in 2006 and the capture of Georgian peacekeepers in Tskhinvali, the Georgian authorities attempted to regain control over its entities. As part of economic reintegration, prior to 2008, Georgia suggested establishing a joint free economic zone in the Ochamchire and Gali.⁵⁸¹ Despite these initiatives, rising tensions were reported among the Georgian and South Ossetian leaderships.⁵⁸² The increase in defence spending in Georgia, from USD 339 to 1,037 million in 2006-2008, implied a growing preoccupation with the country's military security.⁵⁸³ In July 2008, Russia carried out large-scale military exercises with 8,000 troops and 700 armoured vehicles at the border with Georgia.⁵⁸⁴ Georgian Air Force Commander, Colonel David Nairashvili, stated in August 2007 that an aircraft entering 72 km into Georgian territory fired an air-to-surface anti-radar missile.⁵⁸⁵ In April 2008, the UNOMIG, with 129 military observers and 13 police officers, reported reduced military activities in its area of responsibility

⁵⁷⁸ Conference on Security and Cooperation in Europe, Modalities of the CSCE Mission to Georgia, CSCE Permanent Committee, 29 March 1994, Journal No 14, CSCE: Vienna, Annex 1.

⁵⁷⁹ International Alert, *Dialogue on Security Guarantees in the Context of the Georgian-Abkhaz Conflict* (London: IA, 2009), 11.

⁵⁸⁰ Tabula, "From the Rose Revolution to the August War," Tbilisi, 28 February 2012, Accessed 8-02-15, <http://www.tabula.ge/en/story/70336-from-the-rose-revolution-to-the-august-war>.

⁵⁸¹ Civil Georgia, "Saakashvili Outlines Tbilisi's Abkhaz Initiatives," Politics, 28 March 2008, Accessed 26-11-14, <http://www.civil.ge/eng/article.php?id=17473>.

⁵⁸² Interview 33.

⁵⁸³ James Hackett, *The Military Balance 2010: The Annual Assessment of Global Military Capabilities and Defence Economics* (London: Routledge, 2010), 463.

⁵⁸⁴ Office of the State Minister of Georgia for Reintegration, "Russian Aggression of Georgia," 2.

⁵⁸⁵ Organization for Security and Co-operation in Europe, "The Statement by Colonel David Nairashvili, the Georgian Air Force Commander on the August 6, 2007 Missile Attack against Georgia," FSC.DEL/530/07, 17 October 2007, Accessed 7-02-14, <http://www.osce.org/fsc/28234>.

(Gali, Zugdidi and Ochamchire sectors, and Kodori Gorge).⁵⁸⁶ The UN's position can be attributed to misguided efforts not to aggravate Russia as a major regional actor and military power.

The OSCE suggested two accounts of the monitoring situation in South Ossetia. According to one account, the Head of the OSCE Mission to Georgia, Ambassador Roy Reeve, raised concerns over security in South Ossetia as early as 2007.⁵⁸⁷ For its part, Russia was uncomfortable with the role OSCE played in South Ossetia, particularly in 2008.⁵⁸⁸ According to another account, Ryan Grist, a senior OSCE representative in Georgia during crisis, recounted in the media that, although the OSCE was informed about the build-up of the Georgian military around South Ossetia that would give an excuse to Russia to support its own troops, severe escalation was not duly taken into account on the higher diplomatic level.⁵⁸⁹ The Georgian side believed that the OSCE had difficulty in performing a functional role due to its mandate and the small size of the mission.⁵⁹⁰ With its mandate limited to the vicinity of Tskhinvali, the OSCE had only eight observers, three of whom were deployed at the time in Tskhinvali, that became the major site of warfare, and these stated on 7 August that they were not in a position to verify an attacking party.⁵⁹¹ After the crisis erupted, the OSCE increased the number of its Military Monitoring Officers to 100 and contributed 20 observers to the EUMM.⁵⁹² The OSCE has not advanced its resources to monitor hostilities in early stages.

In case of another conflict in the South Caucasus in Nagorno-Karabakh between Armenia and Azerbaijan, the EU has not pursued a conflict resolution policy. In contrast with Abkhazia and South Ossetia, the EU has not adopted an engagement strategy, nor has it assisted Azerbaijan with a border team or mediated in recurring tensions. Negotiations between the conflict parties has been conducted under the auspices of the Minsk Group, spearheaded by the CSCE/OSCE and co-chaired by France, Russia and the US.⁵⁹³ A reluctance to shift narratives towards the benefits of mutual

⁵⁸⁶ United Nations Security Council, Report of the Secretary-General on the Situation in Abkhazia, Georgia, S/2008/219, 2 April 2008, Accessed 5-11-14, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/287/08/PDF/N0828708.pdf?OpenElement>.

⁵⁸⁷ Permanent Mission of the Federal Republic of Germany to the OSCE, "EU Statement in Response to the Report by the Head of the OSCE Mission to Georgia, Ambassador Roy Reeve," 659th Meeting of the Permanent Council, Vienna: OSCE, 2007, Accessed 5-12-13, http://www.wien-osze.diplo.de/contentblob/1593358/Daten/87339/EUERklrung_Reeve_290307_ddatei.pdf.

⁵⁸⁸ Interview 33.

⁵⁸⁹ New York Times, "Georgia Claims on Russia War Called into Question," 7 November 2008, Accessed 22-02-15, http://www.nytimes.com/2008/11/07/world/europe/07georgia.html?pagewanted=print&_r=0.

⁵⁹⁰ Interview 1.

⁵⁹¹ Ibid.

⁵⁹² Organization for Security and Co-operation in Europe, "Increasing the Number of Military Monitoring Officers in the OSCE Mission to Georgia," Decision PC.DEC/861, *Permanent Council Journal* 728 (2008), Accessed 16-01-14, http://www.osce.org/documents/pc/2008/08/32615_en.pdf.

⁵⁹³ Institute for War and Peace Reporting, "Armenia, Azerbaijan Clash over OSCE Mediation," Caucasus Reporting Service, London: IWPR, 2008, Accessed 28-11-14, <https://iwpr.net/global-voices/armenia-azerbaijan-clash-over-osce-mediation>.

development and a limited international presence has descended into the incidence of shootings along the bordering villages, with the most recent escalation in August 2014. Such stalemate therefore poses a risk to regional stability.⁵⁹⁴ The EU has supported the efforts of the OSCE in Nagorno-Karabakh, but it has not been a party to multilateral negotiations.

Not until 2002 did the EU make statements about the non-recognition of Nagorno-Karabakh. Instead, the EU limited itself to declarations by the Council Presidency that confirmed the territorial integrity of Azerbaijan and denounced the 2002 and 2007 *de facto* presidential elections, and 2010 parliamentary elections in Nagorno-Karabakh.⁵⁹⁵ In a slightly more decisive manner, the European Parliament resolutions from 2010 and 2013 called on the parties to comply with the UN resolutions calling for withdrawal of the Armenian military that have been ignored.⁵⁹⁶ In 2013 the Parliament referring to Armenia-Azerbaijan relations stated that the occupation by one EaP country of another was a violation of the principles of eastern partnership.⁵⁹⁷ In fact, the Azerbaijani Government has been cautious of third party engagement in Nagorno-Karabakh that also accounts to EU's limitation. As Craig Oliphant observes, the EU has had a low-profile role in Nagorno-Karabakh due to little internal interest or external demand from the relevant partners.⁵⁹⁸ According to Leila Alieva, the political stagnation in Azerbaijan is a factor in international involvement in conflict resolution.⁵⁹⁹ As the head of the government think tank in Baku stated, the "balanced" approach taken by the US, EU and other countries towards Nagorno-Karabakh is unacceptable to Azerbaijan.⁶⁰⁰ An academic from a diplomatic academy of Azerbaijan notes that, although Azerbaijan regards the EU as a reliable partner, the country is not willing to deepen its political relations with the EU.⁶⁰¹ As argued earlier in this chapter, the EU has minimal influence on the

⁵⁹⁴ James Fidler, "Thaw in the South Caucasus: War over Nagorno-Karabakh?" RUSI Newsbrief, UK: Royal United Service Institute – RUSI, 2011, Accessed 8-02-14, http://www.rusi.org/publications/newsbrief/ref:A4D835178448DA/#.UvfLKfl_srU.

⁵⁹⁵ European Council, Declaration of the Presidency on behalf of the European Union on Forthcoming "Presidential Elections" in Nagorno Karabakh, PESC/02/105 Press, Brussels, 2002, Accessed 13-05-14, http://europa.eu/rapid/press-release_PESC-02-105_en.htm.

⁵⁹⁶ United Nations Security Council, Resolution S/RES/822 (1993), 30 April 1993, Accessed 2-08-13, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/822\(1993\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/822(1993)).

⁵⁹⁷ European Parliament, Resolution on the European Neighbourhood Policy: Towards a Strengthening of the Partnership, 2013/2621, 23 October 2013, Strasbourg, 2013, Accessed 14-05-14, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0446&language=EN&ring=B7-2013-0484>.

⁵⁹⁸ Craig Oliphant, "Putting People First: Reducing Frontline Tensions in Armenia and Azerbaijan, Nagorny Karabakh," Report, (London: Safer World, 2012), Accessed 23-10-13, <http://www.saferworld.org.uk/downloads/pubdocs/Putting%20people%20first.pdf>, 26.

⁵⁹⁹ Leila Alieva, "Expanding the Borders of Post-Soviet Thinking: Liberalism and Conflict Resolution," in *The Soviet Legacy 22 Years On: Reversed or Reinforced?* ed. Leila Alieva (Baku: Qanun, 2013), 18.

⁶⁰⁰ Interview 52.

⁶⁰¹ Interview 53.

conflict without an accession perspective for Azerbaijan and Armenia.⁶⁰² As the head of the EU delegation to Azerbaijan states: “The EU is concerned over the lack of visible progress in negotiations on the peaceful settlement of the conflict.”⁶⁰³ Without an incentivising compromise between Azerbaijan and Armenia, the EU is unable to facilitate conflict resolution.

In all three cases of conflicts in the South Caucasus – Abkhazia, South Ossetia and Nagorno-Karabakh, the EU’s conflict resolution approach in presence of the UN and CSCE/OSCE has been limited in scope. In contrast to the transport policy pursued by the EU in unison with the South Caucasus, EU policy regarding conflict resolution towards the region has largely been incoherent.

4.5.2. Engagement without Recognition Strategy of the EU

The EU has developed its engagement without recognition strategy towards Abkhazia and South Ossetia. However, neither this strategy nor its political image and economic assistance have brought progress to the EU’s efforts to incentivise the parties to resolve the conflicts. In addition to its international peacekeeping presence, its inability to draw on an engagement policy and its political status, provides the third reason why the EU has not achieved coherence in Georgia.

Since the 2000s, the EU has increased its diplomatic involvement in Georgia. Namely, in 2003 the EU appointed a EUSR to the South Caucasus to assist all three countries in their political and economic reforms, to prevent and resolve conflicts, and to ensure the EU’s coherent work.⁶⁰⁴ Despite the EU’s willingness to take a more visible political role in the region, the appointment of the EUSR received little political attention.⁶⁰⁵ Moreover, broad responsibilities in a wide geographic area did not allow the EUSR to focus on conflict resolution. With an insightful view from Merlingen and Ostrauskaitė on cooperation among the two special representatives and the monitoring mission, the EUSR for the Crisis, presented an institutional challenge as the EUSR cut into responsibilities of the EUSR for the South Caucasus; whereas, the arrival of the EUMM assisted the EUSR to South Caucasus with local guidance.⁶⁰⁶ The breadth of the task and procedural

⁶⁰² Alovast Aliyev, “Institutsionalnie resursi dlya vozvrashcheniya VPL v razlichnikh stsensariyakh uregulirovaniya konflikta v respublike Azerbaidzhan,” v *Problemi i perspektivi vozvrashcheniya bezhentshev/VPL v konfliktne regiony Iuzhnogo Kavkaza*, Tbilisi: Kavkazskii institut mira, demokratii i razvitiya, 2008, Accessed 12-02-13, <http://www.cipdd.org/index.php?Cat=HeadFull&ID=6&Lang=2>, (in Russian).

⁶⁰³ Interview 48.

⁶⁰⁴ Council of the European Union, Council Joint Action 2003/496/CFSP on the Appointment of an EU Special Representative for the South Caucasus, *Official Journal of the European Communities* L 169 2003, Accessed 2-01-13, <http://consilium.europa.eu/uedocs/cmsUpload/L169-8.7.2003.pdf>.

⁶⁰⁵ Grevi, “Pioneering Foreign Policy,” 55.

⁶⁰⁶ Merlingen and Ostrauskaitė, “EU Peacebuilding in Georgia,” 284.

challenges limited the impact of the EUSR. Despite the merger of the EUSR for the South Caucasus and that for the Crisis in 2014, the EU has not shown any improvement in conflict resolution policy.

It was in Georgia that the EU deployed the first mission under the ESDP in the post-Soviet area. The Rule of Law Mission EUJUST Themis was sent in 2004 for judicial reform.⁶⁰⁷ As Xymena Kurowska notes, the EU was unable to assert itself with the Themis because of complex community procedures that often delayed its work.⁶⁰⁸ Similar to the EUSR, this mission received little acknowledgement in the Georgian administration and its mandate was discontinued in 2005. Prior to that, in the late 1990s, the EU carried out confidence building measures with its Rapid Response Mechanism (RRM) between Georgia and Abkhazia. The EU took an approach similar to its conflict rehabilitation role in Northern Ireland discussed in the forthcoming subchapter. Despite the RRM measures, the EU was more involved in South Ossetia because this conflict was considered more soluble, given its mixed population and its proximity to the capital. More specifically, after its termination, the EU took over the OSCE Border Monitoring Mission (BMM) outside the Abkhaz and South Ossetian territories. Even though the Border Support Team (BST) was dispatched in 2005, they continued to monitor Georgia's borders with Armenia and Azerbaijan, but not the conflict zones.⁶⁰⁹ The BST was meant to assist civilian crisis management, yet it did not directly relate to conflict resolution. It was only in 2009, when the border team was tasked to establish contacts for confidence building, that it moved from conflict management to conflict resolution.

The EU has become by far the largest international donor to Georgia. Since 1997, the EU has provided economic rehabilitation and humanitarian assistance for Abkhazia. Between 1992 and 2006, the EU supported the central government with EUR 505 million in grants, of which EUR 30 million was allocated for peace purposes in Abkhazia and South Ossetia.⁶¹⁰ Commission programmes were implemented with a common financial tool, the European Neighbourhood and Partnership Instrument (ENPI), that started in 2007 and continued despite the global financial crisis and the lack of commitment from 12 EU new member states to the international development

⁶⁰⁷ Council of the European Union, Council Joint Action 2004/523/CFSP on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS, *Official Journal of the European Communities* L 228 2004, Accessed 5-01-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:228:0021:0024:EN:PDF>.

⁶⁰⁸ Kurowska, "EUJUST Themis Georgia," in *European Security and Defence Policy: The First Ten Years (1999 – 2009)*, eds. Giovanni Grevi et al. (Paris: EUISS, 2009), 207.

⁶⁰⁹ Council of the European Union, Council Joint Action 2009/133/CFSP on Extending the Mandate of the EU Special Representative for the South Caucasus, *Official Journal of the European Communities* L 46/53 2003, Accessed 2-01-14, <http://consilium.europa.eu/uedocs/cmsUpload/L169-8.7.2003.pdf>.

⁶¹⁰ Commission of the European Communities, *EU Assistance to Its Neighbours and Beyond*, Brussels: EuropeAid, EU, 2009, Accessed 4-01-14, http://ec.europa.eu/europeaid/infopoint/publications/europeaid/documents/neighbourhood_brochure_en.pdf, 24; Commission of the European Communities, *European Neighbourhood and Partnership Instrument, Georgia: Country Strategy Paper 2007-2013*, Brussels, 2007, Accessed 5-01-14, http://ec.europa.eu/world/enp/pdf/country/enpi_csp_georgia_en.pdf, 16.

policy.⁶¹¹ An additional EUR 181 million was allocated out of the EUR 500 million set aside for rehabilitation in 2008-2010.⁶¹² After the crisis, the Commission funded conflict prevention with the Instrument for Stability (IfS). Despite the range of its political and financial commitments the EU stood aside in conflict transformation and has been unable to incentivise conflict resolution.

Prior to the conflict escalation in 2008, the EU had limited itself to declaratory statements only. In support of the UN resolutions, the Council reiterated in its declaration “its firm commitment to the sovereignty, independence, and territorial integrity of Georgia within its internationally recognised borders as most recently reaffirmed in UNSC resolution 1808 of 15 April 2008.”⁶¹³ In a more assertive manner, SG/HR Solana, on his trip to Georgia and Abkhazia in June 2008, stated that the “stability and prosperity of Georgia and the region was of great concern and interest for the European Union,” thereby emphasising the Council’s interest in increasing its engagement in Georgia.⁶¹⁴ It was only after the crisis that the EU’s Political and Security Committee (PSC) under the ESDP/CSCP agreed to expand to conflict resolution in Abkhazia. On the relations of the PSC with the EUSR for the Crisis, the EU prescribed that the “Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council.”⁶¹⁵ Although the visits of the EU high-ranking officials and their statements were marginal in halting escalation, the EU’s intervention can also be seen in contrast to other international actors. As the Tagliavini report noted, “[t]his successful political action stood in contrast to the failure of the international community to act swiftly and resolutely enough in order to control the ever-mounting tensions.”⁶¹⁶ The EU remained the most suitable interlocutor for conflict mediation.

In the late 2000s, the EU started to pursue a dual policy towards Georgia. Matching Georgia’s strategy, the EU supported the country’s sovereignty and at the same time adopted engagement without recognition strategy in view of statebuilding in Abkhazia and South Ossetia. This policy,

⁶¹¹ Simon Lightfoot, “Enlargement and EU Development Policy,” *EUSA Review* 24 (2011): 24-25.

⁶¹² Commission of the European Communities, *The Report on EC Assistance to Georgia, 2009*, Accessed 13-01-14, http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/georgia/documents/report-post-conflict-assistance-to-georgia_0709_en.pdf.

⁶¹³ Council of the European Union, *Declaration by the Presidency on behalf of the European Union on the Escalation of Tension between Georgia and Russia, 9041/08*, Brussels, 2008, Accessed 25-11-14, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/100236.pdf.

⁶¹⁴ Council of the European Union, *Summary of Remarks, EU High Representative for the CFSP on His Trip to Georgia, S197/08*, Brussels, 2008, Accessed 4-01-14, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/discours/101027.pdf.

⁶¹⁵ Ministry of Foreign Affairs of Georgia, “European Union’s Political and Security Committee (PSC) Agreed on the Proposal to Expand the EU’s Role in Resolving the Conflict in the Abkhazia Region of Georgia,” *Statement of the MFA of Georgia*, Tbilisi: MFA, 2008, Accessed 4-03-14, http://mfa.gov.ge/index.php?lang_id=ENG&sec_id=59&info_id=7130, 16.

⁶¹⁶ Heidi Tagliavini, *Independent International Fact-Finding Mission on the Conflict in Georgia, Report, Volume I*, Brussels: Council of the European Union, 2009a, Accessed 16-01-13, http://www.ceiig.ch/pdf/IIFMCG_Volume_I.pdf, 11.

developed in December 2009, is on the whole referred to in the EU's working documents and the policy papers of the EU-based research institutions but not in the official EU documents. The non-recognition policy was confirmed by the EU in its statements during the *de facto* presidential elections in Abkhazia in 2009: "the European Union continues to support Georgia's territorial integrity and sovereignty, as recognised by international law."⁶¹⁷ In response to the EU's position on those elections, reelected *de facto* President Bagapsh stated: "I understand that recognition of Abkhazia as an independent state is not an easy process. Whether the US and the EU like it or not, we have chosen our way."⁶¹⁸ The *de facto* president spoke about the EU's difficulty in resolving the conflict because of its inherent bias in favour of Georgia's sovereignty: "The European Union, the European Parliament and the international institutions alike are listening only to Georgia, but according to the United Nations Organization there are two sides of the conflict – Georgia and Abkhazia."⁶¹⁹ EU language is yet not reflected in the statements of the Abkhaz and South Ossetian leadership.⁶²⁰ In the same way, the EU adhered to non-recognition towards South Ossetia during the *de facto* presidential elections and referendum in 2011. In order not to isolate Abkhazia and South Ossetia with non-recognition, the EU has also attempted to engage with the conflict entities.

The EU policy of engagement was inherently limited due to the EU's respect to Georgia's sovereignty. The EU nevertheless separated the legal dimensions of sovereignty from governance practices in view of nation- and statebuilding trends in Abkhazia and South Ossetia discussed in the following subchapter. Despite this limitation, combined with the fact that the EU was explicit about non-recognition, without a strategy document, its engagement inevitably suffered from lack of clarity. Besides visits by the EUSRs and monitoring by the EUMM, the EU was involved in Abkhazia through humanitarian aid department of the European Community Humanitarian Aid Office (ECHO). Between 1992-2014, Georgia received EUR 130 million for conflict aid of the total EUR 187 million funding for the humanitarian response to the South Caucasus from the ECHO.⁶²¹ For humanitarian assistance, the EU has also worked with other actors: UNHCR, UNICEF, UNDP, USAID, ICRC, NRC, and the Danish Refugee Council (DRC). Despite its diplomatic and

⁶¹⁷ Council of the European Union, Declaration by the Presidency on behalf of the European Union on "Presidential Elections" in Abkhazia, Georgia, 12 December 2009, 17510/1/09, Brussels, 2009, Accessed 17-10-13, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/cfsp/111912.pdf.

⁶¹⁸ Anaid Gogoryan, "Starii Novii President: Deistvuyushi President Sergei Bagapsh izbran glavoi gosudarstva eshche na piat let," *Chegemskaya Pravda*, ed. Inal Khashig, Sukhum, 15 December, 46 (270), 2009, (in Russian).

⁶¹⁹ Ruslan Dzhopua and Beslan Agrba, "Abkhaziya: Vzglyad iz Evropi," rejiser Maksim Gureev, Kinoocherk, Documentary DVD, Abkhazia, 2008, 38:08.

⁶²⁰ Leonid Lakerbaya, "Nesmotrya na razlichie pozitsii, mi gotovi k otkritomu razgovoru po problemam mezhdru Evrosoyuzom i Abkhazii," Apsny Press, Sukhum, 8 February 2012, Accessed 20-02-15, http://www.apsnypress.info/news/leonid-lakerbaya-nesmotrya-na-razlichie-pozitsiy-my-gotovy-k-otkrytomu-razgovoru-po-problemam-kotory/?sphrase_id=1671.

⁶²¹ Commission of the European Communities, ECHO, Humanitarian Aid and Civil Protection, Central Asia and South Caucasus, ECHO Factsheet, Brussels, 2014, Accessed 19-03-15, http://ec.europa.eu/echo/files/aid/countries/factsheets/casc_en.pdf, 3.

humanitarian engagement, the EU has not incentivised compromise that would allow change in the political set-up in conflict regions. Such rewards may include closer relations, development resources, and movement of people. With joint inducements for both central government and the entities interaction on a shared way to a target would probably alter dynamics in their relations.

The Abkhaz *de facto* leadership and population, to whom the engagement aspect is meant to apply, is exasperated with the limited international engagement and distrusts the EU. As Laurence Broers observes, non-recognition forces societies in Abkhazia and South Ossetia to subordinate their state-building project to the goals of outside actors.⁶²² Abkhazis are confused by mixed signals coming from the EU. A public opinion survey, carried out in Abkhazia in 2011, on prevailing perceptions about the EU in Abkhazia and Europe's participation in resolution of the Georgian-Abkhaz conflict, showed that the attitude of the Abkhaz society towards European contribution is shaped by the political context in which the EU is seen not to be neutral.⁶²³ As a leading Abkhaz academic Arda Inal-Ipa observes: "news of the European policy of engagement without recognition was met initially with hope. However, this policy has been put aside by the EU countries and has become a part of the Georgian policy of engagement with the so called 'occupied territories'."⁶²⁴ The duality of the EU policy seems to cause suspicion among the Abkhazis and so precludes conflict resolution.

Since the EU member states are not in a position to work in conflict entities, they tend to empower peacebuilding INGOs to engage in humanitarian aid and gradually in institution building. In its Overseas Strategy, Britain has outlined the need for an integrated approach to tackle conflicts with several means of intelligence, diplomacy, development, defence engagement and trade, and at the same time, has indicated that "the UK's capacities go beyond Government" when dealing with conflicts in neighbouring countries including Central Asia and the Caucasus.⁶²⁵ It follows from this that the major INGOs in the South Caucasus have been supported by the Conflict Pool, which is an instrument jointly operated by the government departments of the Foreign and Commonwealth Office (FCO), the Department of International Development (DFID) and the Ministry of Defence (MoD). The salience of the INGOs' work lies in their treatment of the sovereignty, particularly the legal aspects of people's travel from the *de facto* jurisdictions, and at the same time their credibility

⁶²² Laurence Broers, "Recognizing Politics in Unrecognized States: 20 Years of Enquiry into the *de facto* States of the South Caucasus," *Caucasus Survey* 1 (2013): 62.

⁶²³ Asida Shakryl and Diana Kerselyan, Public Opinion Survey, Perceptions of the EU in Abkhazia and Prospects for the EU-Abkhazia Engagement, Analytical Report, London: CR, 2012, Accessed 31-10-13, http://www.c-r.org/sites/c-r.org/files/PPP_2012analysis1_EN_0.pdf, 3.

⁶²⁴ Arda Inal-Ipa and Archil Gegeshidze, "Georgian-Abkhazian Relations: An Inside Perspective," Meeting Summary: Russia and Eurasia Programme, London: Chatham House, 2011, Accessed 25-10-13, <http://www.chathamhouse.org/sites/default/files/public/Research/Russia%20and%20Eurasia/161211summary.pdf>.

⁶²⁵ Department of International Development, "Building Stability Overseas," UK: DFID, 2011, Accessed 2-01-14, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32960/bsos-july-11.pdf, 19.

in those jurisdictions. The Government of Georgia, despite its concern about legitimising the practice of international presence, acknowledges the importance of such engagement. Therefore, in view of the prohibition of free migration to the *de facto* entities, Georgia allows humanitarian engagement but requests that peacebuilding organisations communicate about their involvement. Reporting with a regulatory document of Modalities for Engagement is not always observed by the INGOs because they tend to report to their funding agencies, whereas the latter are not necessarily directly accountable to the central government.⁶²⁶ At present, against the backdrop of nation- and statebuilding in Abkhazia, the presence of the EU and the INGOs is curtailed by the embracement policy of Russia towards Eastern Abkhazia, analysed in the next subchapter.

4.6. Present Day Abkhazia⁶²⁷

Most research on protracted conflicts in the South Caucasus has focused on relations between *de facto* entities and their *de jure* states in terms of non-recognition policy.⁶²⁸ A policy of engagement remains insufficiently analysed. Georgia regards Abkhazia and South Ossetia as part of its territory, with the status of an Autonomous Republic of Abkhazia and SOAR/Tskhinvali Region. In contrast, while large numbers of their displaced pre-war population remain unable to return, the remaining people in those entities consider themselves to live in the independent republics of Abkhazia and South Ossetia. The *de facto* authorities continue to refuse to negotiate with Tbilisi type of federal arrangement which they see as necessarily resulting in subordinated status for them within the Georgian state. From their part, the Georgian governments and people have opposed any agreement that would legitimise the separation of the breakaway entities and create opportunities for them to form federal structures with Russia. By maintaining such a stance for over twenty years, both entities have become even more removed from Georgia. The EU's strategy of engagement without recognition has not contributed to a political solution. Whilst Abkhazia and South Ossetia are recognised by Russia, Nagorno-Karabakh has gained no international recognition, not even by

⁶²⁶ Government of Georgia, Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia, Regulation of the Government of Georgia №320, 2010, Georgia, Accessed 3-01-12, <http://www.smr.gov.ge/docs/doc219.pdf>, Art. 4.

⁶²⁷ This subchapter was shaped by unique conferences that the author was exposed. Among those, the author acknowledges support for a field trip and presentation at the ASCN/CI Conference "De-facto Entities in the Post-Soviet Space: Dynamics and Prospects" in Sevan, Armenia in 2014, and the comments from two anonymous reviewers, see: Nino Kereselidze, "Engagement Policies of the European Union, Georgia and Russia towards Abkhazia," *Caucasus Survey* 1 (2015), (forthcoming).

⁶²⁸ See, for example, Stephen D. Krasner, "Sharing Sovereignty: New Institutions for Collapsed and Failing States," *International Security* 29 (2004): 85-120; Charles King, "The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States," *World Politics* 53 (2001): 524-52; Charles King, *Extreme Politics: Nationalism, Violence, and the End of Eastern Europe* (New York: Oxford University Press, 2010); Céline Francis, *Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989-2008)* (Brussels: VUB University Press, 2011).

Armenia. Nevertheless, it has continued as a self-reliant entity, even with a sharp population decline of 30-60% from 1986 to 2005.⁶²⁹ This subchapter yet focuses on the case of Abkhazia, the governance practices of which make it distinct from South Ossetia and Nagorno-Karabakh.

This subchapter argues that although Georgia and the EU have so far adhered to non-recognition policies, the existence of governance practices that nurture nation- and statebuilding in Abkhazia, coupled with the Russian policy of recognition, provide challenges to conflict resolution. After a review of the debate in academic and policy literature over the *de facto* entities, the first section notes that Georgia's non-recognition strategy, has not mitigated the isolation of its conflict regions. Juxtaposing the EU and Georgian non-recognition policies with the Russian policy of recognition, the second section argues that Russia's support of statebuilding in Abkhazia may lead to the absorption of Abkhazia with Russia. Drawing on data that is difficult to access, the same section explores elements of nascent community-authority relations that aid nation- and statebuilding in Abkhazia. The third section examines international actors in their attempt to engender peace, which have not respected the modalities of engagement established by the central government. Georgia's engagement policy lacked substance for addressing the alienation of its entities. Neither did the EU have a policy with strong prospects of incentivising parties for conflict resolution.

4.6.1. Nation- and Statebuilding in Abkhazia

Academic and policy literature on *de facto* states in the South Caucasus increasingly discusses policies enacted towards Abkhazia and South Ossetia by both state authorities and the international community.⁶³⁰ Over the past two decades, parties to the conflicts in the South Caucasus have been intransigent about territorial control, yet the situation in conflict entities has not been static. Societal and regime consolidation in Abkhazia that creates a complicated constellation for conflict resolution deserves more attention.

The notion of "frozen conflicts," caused by increasing dynamics in the South Caucasus breakaway entities, has rarely been used in the specialist conflict literature. Mient Jan Faber observes that Abkhazia and South Ossetia have become "self-organized security zones."⁶³¹ The strategic

⁶²⁹ Richard Rowland, "Population Trends in a Contested Pseudo-State: The Case of Nagorno-Karabakh," *Eurasian Geography and Economics* 49 (2008): 109.

⁶³⁰ Dov Lynch, *Engaging Eurasia's Separatist States: Unresolved Conflicts and de Facto States* (Washington: United States Institute of Peace, 2002); Nina Caspersen, "Separation and Democracy in the Caucasus," *Survival* 50 (2008): 113-16; Pål Kolstø, "The Sustainability and Future of Unrecognized Quasi-States," *Journal of Peace Research* 43 (2006) 723-40.

⁶³¹ Mient Jan Faber, "The Impact of Self-Organized Security Zones in the Middle East," *Palestine-Israel Journal of Politics, Economics and Culture* 15 (2008): 1.

significance of the conflict in Georgia lies in the loss of control over Abkhazia that has compounded the impression of Georgia's disintegration. Its significance for the Abkhaz leadership is the *de facto* independence from Georgia.⁶³² In disputing the historical legacies of both jurisdictions, a dialogue between Georgia and Abkhazia has stalled.⁶³³ As a scholar in international law explains, for Georgia, peace is a permanent solution based on respect for sovereignty, recognised by international law.⁶³⁴ As noted by a conflict resolution adviser at the Directorate-General for External Relations (DG RELEX) of the European Commission, peace for breakaway regions means an unchallenged independence.⁶³⁵ After the wars in the 1990s, the population reproduces national narratives with mono-causal explanations.⁶³⁶ With time, *de facto* Abkhaz presidents have made conscious efforts to instill an aura of heroism from the wars waged in the early 1990s among the successor generation that is cemented on billboards in the towns of both Western and Eastern Abkhazia. Despite frequent changes in a volatile political space, the *de facto* leadership has managed to retain its hold of power and entrench the separation of this entity. Dialogue between Georgia and Abkhazia has gone even more in stalemate since the 2008 armed conflict. The recent conflict became part of the changing dynamics in the region with its implications reverberating in the EU's neighbourhood.⁶³⁷ Although international peacebuilding INGOs and local civil society actors, with support of the EU, have facilitated interaction among local communities, there has been limited progress in conflict resolution. For more than twenty years, Georgia has been intractable over the issue of status, and has underestimated nation- and statebuilding in Abkhazia. Against this backdrop, it seems to be tacitly accepted that there is little scope to change this reality in the foreseeable future.

The multiethnic character of the current population creates a need for governance practice in Abkhazia. At present, the lack of access to justice, public services and information necessitates self-governance and public institutions.⁶³⁸ The issues of status and Abkhaz-Georgia relations are less relevant for people who are facing insecurity in everyday life. As noted by conflict expert Paata Zakareishvili, and since 2013 the State Minister for Reconciliation and Civic Equality of Georgia (SMR): "In Abkhazia and South Ossetia their independence is a declaration and a pose, and in fact,

⁶³² Rick Fawn, "Russia's Reluctant Retreat from the Caucasus."

⁶³³ For polarized positions between the Georgian and Abkhaz academics and their European intermediaries, see: Bruno Coppeters, David Darchiashvili and Natella Akaba, (eds.) *Federal Practice Exploring Alternatives for Georgia and Abkhazia* (Brussels: VUB University Press, 1999).

⁶³⁴ Interview 66.

⁶³⁵ Interview 12.

⁶³⁶ Joke Van der Leeuw-Roord, "Too Much History Too Much Amnesia, History and History Teaching in Abkhazia and Georgia," *International Alert and EUROCLIO* 2 (2005), The Hague: EUROCLIO.

⁶³⁷ Rick Fawn, "Georgia: Revolution and War," *European Security* 21 (2012): 2.

⁶³⁸ Article 19, "A Survey of Access to Information in Abkhazia and Its Impact on People's Lives," London, 2007, Accessed 4-03-15, <http://www.article19.org/data/files/pdfs/publications/abkhazia-foi-report.pdf>, 51.

security is much more important for the local population.”⁶³⁹ According to a survey on community security conducted by a peacebuilding INGO, Safer World, low levels of community accountability and under-investment in community capacity obstruct activities of international organisations.⁶⁴⁰ According to this research, there is a need for local self-government institutions that would encompass community engagement and partnership working as well as dialogue between NGOs and the power structures. Such institutions would allow civil society participation in public debate on the socio-economic issues of various ethnic communities. So far, several mechanisms have emerged on local and national levels for community participation in decision-making that includes both legislative and practical policies. The legislative realm extends to the *de facto* Law of the Republic of Abkhazia on Government in Administrative-Territorial Units, and the *de facto* Rules of the Sukhum Municipal Assembly. In policy practice, community-based approaches subsume activities of the Public Chamber of Abkhazia, local councils, village assemblies and community consultations. Societal and regime consolidation in Abkhazia complicates conflict resolution. With an engagement policy, there is a scope for the EU to focus on self-government institutions, community capacity, partnership working and the involvement of civil society.

The *de facto* Abkhaz political and civic discourse depicts Abkhazia as a pluralistic state, yet the role of ethnic minorities in nation- and statebuilding is unclear. The *de facto* Abkhaz authorities do not have a policy for community engagement for ethnic minorities. The ethnic Georgian minority, with a contested number ranging from 29,000 to 65,000 of the 118,000 to 220,000 Abkhaz population, is particularly challenged.⁶⁴¹ Their return to Eastern Abkhazia only after the wars, has not occurred in conditions of safety and dignity. At present, Gali residents commute across the ABL and migrate seasonally to tend their fields. They experience the pressing need for employment, housing, facilities, infrastructure, healthcare, and education. In situation marked by the lack of rule of law and the presence of corruption and crime, ethnic Georgian population and Abkhaz law enforcement authorities distrust each other. The conscription of young men used as political tool adds to the gender imbalance in Gali. Although the *de facto* Constitution of the Republic of Abkhazia guarantees every ethnic group the right of the native language, the Georgian minorities have restricted access to school education in the Georgian language and seek higher education in the Georgian controlled territories. There is a generally high level of trust towards international

⁶³⁹ Paata Zakareishvili, “In Abkhazia and South Ossetia: Security is More Important than Independence,” Tbilisi: Institute for Nationalism and Conflicts Studies, 2012, Accessed 30-10-13, <http://zakareishvili.com/?p=168&lang=en>.

⁶⁴⁰ Institute for Democracy and Saferworld, “Isolation and Opportunity in Eastern Abkhazia: A Survey of Community Security,” London: Safer World, 2011, Accessed 5-05-14, <http://www.saferworld.org.uk/resources/view-resource/576-isolation-and-opportunity-in-eastern-abkhazia>, 18.

⁶⁴¹ Unrepresented Nations and Peoples Organization, Member Profile, Abkhazia, Brussels: UNPO, 2015, Accessed 11-03-15, <http://unpo.org/downloads/1245.pdf>.

organisations but little expectation for change. The EU has not addressed the issue of ethnic minorities and this precludes conflict resolution.

4.6.2. Russian Policy of Embracement

Russia has been pursuing a policy of increasing integration with Abkhazia and South Ossetia in political, economic, military and administrative terms. Whilst Russia allows the statebuilding, it controls Abkhazia in political and economic terms. Even though a strong sentiment of the independence prevails among the residents in Abkhazia, in the face of the Russian policy of embracement, the Abkhazis are unlikely to preserve their independence.

Restricted access for European companies in Abkhazia leaves Russia practically the only actor for economic relations. Beyond the economic blockade, international industries are unwilling to work in Abkhazia, South Ossetia, Nagorno-Karabakh, and the entire North Caucasus, due to the high security risk to international investment.⁶⁴² Major factories and small enterprises in Abkhazia, such as a coal plant in Tkvarcheli, have been destroyed, but the demand for raw material increases on a needs basis, for example, the construction works in 2014 for Sochi Olympic Games within the Krasnodar area of Russia. On the extraction of resources, according to *de facto* Minister of Foreign Affairs of the Republic of Abkhazia, Sergei Shamba (2010-2011), Abkhazia is determined to be involved in investment projects.⁶⁴³ Abkhazia still seems to be deprived of the ownership of economic resources that raises the question of the exploitation of enterprises by Russia.

The economic and social isolation of Abkhazia works in favour of integration with Russia. As a senior foreign policy maker from the UK FCO observed in an interview, “whether one wishes it or not, Abkhazia and South Ossetia are effectively operating now more in a North Caucasus orbit.”⁶⁴⁴ For some civil society activists, such a tendency does not necessarily presuppose Russia’s assertive policy. Liana Kvarchelia from the NGO Center for Humanitarian Programs Sukhum [sic] says that Russia is not able to affect society-building in Abkhazia. A case in point is that of the 2011 presidential elections, which did not elect the candidate proposed by Russia.⁶⁴⁵ Instead, as the leading practitioner continues, Russia is preserving the *status quo* while the rest of the world tries to

⁶⁴² Denis Corboy, William Courtney and Kenneth Yalowitz, “Quelling a Rebellion: EU Leaders Must Speak up about the Situation in the North Caucasus,” Brussels: European Voice, 2010, Accessed 14-11-14, <http://www.europeanvoice.com/letter/quelling-a-rebellion/>; Control Risks Group, Risks Rating, Risk Map 2013, UK: Control Risks Group Holding Ltd, Accessed 8-02-14, http://www.controlrisks.com/Oversized%20assets/RiskMap_Map_2013_UK.pdf.

⁶⁴³ Dzhopua and Agrba, “*Abkhaziya*,” Documentary DVD, 46:21.

⁶⁴⁴ Interview 33.

⁶⁴⁵ Dzhopua and Agrba, “*Abkhaziya*,” Documentary DVD, 27:43.

impose a resolution that the Abkhazis regard unfair.⁶⁴⁶ After the forced resignation of *de facto* President Aleksandr Ankvab (2011-2014), with purportedly Russian assistance, domestic politics in Abkhazia seems to be influenced by Russia. On nation- and statebuilding in Abkhazia, the UK's Lord Rea commented that: "Abkhaz people are showing considerable determination and spirit, being very loyal to the notion of Abkhaz as a nation."⁶⁴⁷ The Russian presence, however, is not recognised by Lord Rea: "Abkhazia is run by its own government on certain terms and there is no trace of evidence that the Russians are involved in administration of this country."⁶⁴⁸ Implying Russian involvement in Abkhazia, *de facto* Deputy Minister of Foreign Affairs of the Republic of Abkhazia Irakli Khintba (2012-2014) explained:

The issues of security and stability in the Caucasus, transport infrastructure development, integration of transit potential of the region cannot be resolved without the participation of Abkhazia. ... Our relations with the EU are influenced by ... still negative attitude of the EU towards Abkhazia's independence. ... Abkhazia needs direct, specific and non-political rehabilitation of social and economic infrastructure.⁶⁴⁹

Since Russia has concluded the strategic partnership treaty with Abkhazia in 2014, the two have signed over 80 *de facto* interstate agreements and implemented large-scale programmes related to infrastructure, economic development, and the modernisation of social facilities.

With passport politics explained below, Russia has increased its political influence in Abkhazia. Moreover, Russia tends to invoke citizenship, as it did in 2008, to protect its citizens on Georgian territory. This is a testament to Russia's involvement in the administration of Abkhazia. In contrast, Russia does not seem to support Abkhaz identity and its pluralistic society. Abkhazis are concerned to retain their numerical and political superiority *vis-à-vis* ethnic Georgian and Armenian communities. Increased Russification is thus a challenge to Abkhaz identity. It therefore remains unclear whether Abkhazia will be able to preserve its identity in an independent state. To reverse alienation, Georgia does not explore avenues of cooperation in sectoral areas with Abkhazia. The entities have not considered the prospect of European direction either. Political relations and development aid from the EU have more sustainable prospects and ought to be a motivation for the revisiting of their relations with Georgia.

Citizenship as a political process in Abkhazia has received regular attention as a salient issue. In two separate processes of "passport politics:" a) significant numbers of residents in Abkhazia have adopted Russian citizenship, and b) residents in Gali, the majority of whom are Georgian citizens,

⁶⁴⁶ Ibid., 27:46.

⁶⁴⁷ Ibid., 51:37.

⁶⁴⁸ Ibid., 51:22.

⁶⁴⁹ Ministry of Foreign Affairs of the Republic of Abkhazia, "Deputy Foreign Minister of Abkhazia Irakli Khintba: Why Sukhum Will Not Sign an Agreement with the European Union and on the Situation in Ukraine," Sukhum: MFA, 2014, Accessed 17-03-15, <http://mfaapsny.org/en/information/?ID=2214>, [sic].

were provided with Abkhaz citizenship. An Abkhaz passport is not valid for international travel but entails the political rights to vote and receive a pension and higher education in Abkhazia. Although the Abkhaz passport presented itself a dilemma for ethnic Georgians, the demand for basic rights prevailed. During *de facto* presidential elections in 2011, 9,000 Abkhaz passports were issued to Georgia, compared to 3,000 in 2009.⁶⁵⁰ In contrast, the OSCE High Commissioner on National Minorities in 2009 reported that “pressure was exercised on the Georgian population in the Gali District through limitation of their education rights, compulsory “passportisation,” forced conscription into the Abkhaz military and restrictions on freedom of movement.”⁶⁵¹ To deprive the ethnic Georgians of political rights, the Abkhaz *de facto* authorities suspended granting in 2014, and have even revoked Abkhaz citizenship to many ethnic Georgians. As Abkhaz citizenship has no international importance, the Georgian residents seek dual citizenship, which requires ethnic Georgians who rely on welfare and education in Western Georgia to relinquish their Georgian identity.⁶⁵² This is because the *de facto* Law of the Republic of Abkhazia on Citizenship of 2005 allows an ethnic Abkhaz to have dual citizenship, but a non-Abkhaz may only hold Russian as a second citizenship. Apart from cutting ties with Georgia, it is currently difficult for Gali residents to acquire Russian citizenship. Status neutral documents have not yet been embraced. Isolation constrains Abkhazia’s development that the EU and Georgian strategies have not addressed.

4.6.3. Engagement Strategy of Georgia

To address the post-conflict situation in Abkhazia and South Ossetia, the Georgian Government developed two official documents: the Law of Georgia on Occupied Territories in 2008, and a State Strategy on Occupied Territories: Engagement through Cooperation in 2010. The Strategy document declares the Government’s vision “based on the common principles and values shared by all European states, as reflected in the Helsinki Final Act [to build] democratic governance, a flourishing economy, ... a tolerant and multiethnic society.”⁶⁵³ Despite this wording, European values are not reflected in either document. Since there is no clear EU document on how to engage the Abkhaz people, it is difficult to identify similarities and differences between the EU and the Georgian strategies. The fundamental similarity is their non-engagement that does not contribute to Georgia’s cooperation with the entities. The primary difference between the two is that the

⁶⁵⁰ Freedom House, Freedom in the World 2013 Ratings, Abkhazia, Washington: Freedom House, 2013, Accessed 27-02-14, http://www.freedomhouse.org/report/freedom-world/2013/abkhazia#.Uw9g6fl_srU.

⁶⁵¹ Organization for Security and Co-operation in Europe, “OSCE High Commissioner on National Minorities Deeply Concerned by Recent Developments in Abkhazia,” Press Release, 2009, Accessed 1-03-15, <http://www.osce.org/hcnm/50824>.

⁶⁵² Rachel Clogg, “The Politics of Identity in Post-Soviet Abkhazia: Managing Diversity and Unresolved Conflict,” *Nationalities Papers* 36 (2008): 312.

⁶⁵³ Government of Georgia, State Strategy on Occupied Territories, “Engagement through Cooperation,” 2010, Tbilisi, Accessed 3-01-12, <http://www.smr.gov.ge/docs/doc204.pdf>, 2.

Georgian strategy by bringing the status issue to the forefront, is not accommodating present day Abkhazia, whereas the EU, as a third party, can allow itself more flexibility in its engagement.

Georgia has employed varying approaches towards state- and nationbuilding in Abkhazia. President Shevardnadze, in 1992-1995, treated nationbuilding as a reward to Abkhazis; this remained a popular position until 2004. President Saakashvili expressed a readiness to recognise political differences, but the Strategy on Occupied Territories was framed in a matter of de-occupation, aiming: “to reverse the process of annexation of these territories by Russia, and peacefully reintegrate these territories into Georgia’s constitutional ambit.”⁶⁵⁴ The EU has encouraged a reframing of such approach. As a Caucasus programme coordinator at a Berlin-based peace movement agrees: engagement requires the normalisation of the situation both on the level of authorities and on the ground.⁶⁵⁵ After the change of government in 2013, Georgia has seemed to separate nation- from statebuilding. In a statement responding to the strategic partnership between Abkhazia and Russia, in 2004, President Margvelashvili called on the international community “to prevent assimilation of small nations.”⁶⁵⁶ The separation of nation- and statebuilding approaches has become a cornerstone of the Georgian policy towards the Abkhazia and South Ossetia.

In the late 2000s, the Georgian Government developed status neutral documents as an instrument of engagement in Abkhazia and South Ossetia. With status neutral identification cards (SNID) and status neutral travel documents (SNTD), Georgia has hoped to control freedom of movement and extend benefits to people without requiring them to acknowledge the jurisdiction of Georgia. As of December 2013, the Service Development Agency of Georgia issued 235 SNIDs and 29 SNTDs.⁶⁵⁷ Status neutral documents have remained a sensitive issue among the residents. The Russian and *de facto* Abkhaz authorities have continued to oppose these documents. As a peace and conflict expert warns, because the documents issued in Georgia implies sovereignty, those who accept them find themselves in inter-communal tension.⁶⁵⁸ Another reason for the limited use of the Georgian documents is that the Abkhazis already had Russian passports by the 2000s. In a way similar to that of travel documents, there was little demand for social and education benefits, suggesting that civil measures by the Government have not been particularly embraced by people in conflict entities.

⁶⁵⁴ Government of Georgia, State Strategy on Occupied Territories, 5.

⁶⁵⁵ Interview 41.

⁶⁵⁶ Administration of the President of Georgia, “The President of Georgia Calls upon the International Community to Plan Specific Steps Jointly against Annexation,” Statement, Tbilisi, 24 November 2014, Accessed 16-03-15, <https://www.president.gov.ge/en/PressOffice/News/SpeechesAndStatements/?p=9143&i=1>.

⁶⁵⁷ Office of the State Minister of Georgia for Reconciliation and Civil Equality, Annual Report, Tbilisi: SMR, 2014, Accessed 18-03-15, <http://www.smr.gov.ge/docs/doc290.pdf>, 12.

⁶⁵⁸ Interview 41.

The EU has taken an ambivalent approach to the status neutral documents. Third states are entitled under international law to recognise their validity.⁶⁵⁹ In a 2012 press release the Commission underlined that the EU supported the use of the status neutral documents.⁶⁶⁰ However, by 2013, only a few member states – Romania, Poland, Bulgaria, Slovakia, Czech Republic, Estonia, Latvia, Lithuania and Hungary – accepted them for use, but the EU as a whole has not.⁶⁶¹ Those countries that recognized the documents, given their historical experience with Russia, were more willing to support Georgia's policy. The decision of the remaining old member states not to accept documents can be explained by their hesitation to take a stance against Russia and by the consideration of the increased movement of people to the EU countries.

In contrast to the identity documents, there was more need for medical assistance for the Abkhaz and South Ossetian population. Between 2012 and 2013, the SMR received 837 applications, of which 639 were from the residents of Abkhazia and 188 from South Ossetia, and overall state funding of medical treatment equalled GEL 2 million.⁶⁶² Residents of Abkhazia tend to use documents issued by Georgia in emergencies. Disease control is one such extraordinary circumstance. According to the EU agency European Centre for Disease Prevention and Control (ECDC), Georgia, including Abkhazia, has Europe's highest rates of diagnoses in human immunodeficiency virus infection and acquired immune deficiency syndrome – HIV/AIDS.⁶⁶³ As the Sukhumi AIDS Centre provides outpatient services only, Krasnodar and Tbilisi are among those destinations where residents of Abkhazia seek treatment.⁶⁶⁴ In its prevention and treatment of HIV/AIDS in Georgia, the national hospital of Infectious Diseases, AIDS and Clinical Immunology Research Center in Tbilisi diagnosed and treated 198 residents of Abkhazia in 2006-2011, a quarter of whom used the Georgian passports to receive treatment free to the Georgian citizens.⁶⁶⁵ Despite this interaction, cooperation between the two in human security is not a common practice.

⁶⁵⁹ European Forum for International Mediation and Dialogue, "Comparative Study on Status Neutral Travel Documents," Brussels: mediatEUr, 2011, Accessed 7-05-14, <http://www.mediationnet.eu/resources/publications/item/30-comparative-study-on-status-neutral-travel-documents>, 17.

⁶⁶⁰ Commission of the European Communities, "EU-Georgia: Meeting of Commissioner Füle with President Saakashvili," Press Release, 28 June 2012, Brussels, Accessed 20-02-15, http://europa.eu/rapid/press-release_IP-12-719_en.htm?locale=en.

⁶⁶¹ Commission of the European Communities, Report from the Commission to the European Parliament and the Council, First Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalisation, COM (2013) 808, Brussels, 2013, Accessed 9-05-14, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131115_1st_progress_report_on_the_implementation_by_georgia_of_the_apvl_en.pdf, 4.

⁶⁶² Office of the SMR, Annual Report, 13.

⁶⁶³ European Centre for Disease Prevention and Control, HIV/AIDS Surveillance in Europe 2012, Sweden: ECDC, 2012, Accessed 29-01-15, http://ec.europa.eu/health/sti_prevention/docs/hivaids_surveillancereport_2012_en.pdf, 11.

⁶⁶⁴ Georgia Country Coordination Mechanism, Georgia National HIV/AIDS Strategic Plan for 2011-2016, Tbilisi: Georgia CCM, 2010, Accessed 29-01-15, <http://www.georgia-ccm.ge/wp-content/uploads/PUBLIKACIEBI/1.pdf>, 19; Tengiz Tsertsvadze, Public Talk, AIDS Day, Tbilisi: UNDP, 2010.

⁶⁶⁵ Giorgi Lomsadze and Paul Rimple, "Georgia: Fight against HIV/AIDS Brings Georgians, Abkhaz Together," EurasiaNet Weekly Digest, 2010, Accessed 3-01-12, <http://www.eurasianet.org/node/63868>.

Energy and trade comprise an area in which both Georgia and conflict entities can benefit from cooperation, regardless of political dynamics. The Enguri hydroelectric power station (*gidroelektrostantsiya* – HES) has continued to provide electricity on both sides of the Enguri River through peace and war. The HES has also been used as a model of coerced but effective cooperation for the Abkhaz side to express their discontent.⁶⁶⁶ To contribute to confidence building between both sides, the European Commission supported the reconstruction of the HES by allocating EUR 9.4 million in 1999. In South Ossetia, the Ergneti market, which has existed since 1999 on the outskirts of Tskhinvali, served as a commercial centre for the Ossetian and Georgian communities. Ergneti was also a hub of illicit trade with a USD 1 billion turnover from Russia via the Kazbegi checkpoint contributing, to 70% of the breakaway region's budget income derived from illegal business.⁶⁶⁷ For this reason, the EU Customs Control project to check transit cargo traffic, initially agreed in 2002, was turned down by *de facto* Ossetian authorities. USD 120 million was inflicted to national revenue, but the total customs revenue doubled after the Government decided to close down the market in 2003.⁶⁶⁸ Whereas Ergneti in South Ossetia was seen to institutionalise criminality, Enguri neither consolidated nor challenged the *status quo* in Abkhazia. Both Enguri and Ergneti can be seen as possible opportunities for potential cooperation, which have not yet positively been used in the engagement strategies of Georgia and the EU.

The strategies of Georgia and the EU towards Abkhazia and South Ossetia do not sufficiently take into account emerging trends of nation- and statebuilding. The rewards offered in the EU's strategy are insufficient for the *de facto* entities to change their political arrangements in a way that would work for all sides. The EU and Georgia have not managed to develop a substantial policy of engagement to prevent the politically, and socially isolated entities from integration with Russia.

4.7. EU's External Policy with Civil Society in the South Caucasus⁶⁶⁹

Another aspect of EU external policy meriting attention is that of its cooperation with civil society in conflict resolution in the *de facto* entities of the South Caucasus. This subchapter studies the

⁶⁶⁶ Paula Garb and John M. Whiteley, "A Hydroelectric Power Complex on Both Sides of a War: Potential Weapon or Peace Initiative?" in *Reflection on Water: New Approaches to Transboundary Conflicts and Cooperation*, eds. Joachim Blatter and Helen M. Ingram (Cambridge: MIT Press, 2001), 215.

⁶⁶⁷ Aleksander Kupatadze, *Organized Crime, Political Transitions and State Formation in Post-Soviet Eurasia* (England: Palgrave, 2012).

⁶⁶⁸ Ministry of Finance of Georgia, Ravenue Service, "Dynamics of Exports and Imports," Tbilisi: RS, 2013, Accessed 22-05-13, http://www.rs.ge/Default.aspx?sec_id=5099&lang=2.

⁶⁶⁹ The author thanks two external scholars who chaired panel for their suggestions on earlier draft of this subchapter, see: Nino Kereselidze, "How the Eastern Partnership Exports Transformation and Social Change to Georgia," Paper presented at Academic Swiss Caucasus Net – ASCN 3rd Annual Conference "Political Transformation and Social Change in the South Caucasus: Georgia, Armenia and Azerbaijan in Perspective," Tbilisi, Georgia, 21 June 2013.

EU's work with INGOs, as non-state actors with a focus on Georgia, and thereby contends that EU conflict resolution in the South Caucasus has been carried out with limited coherence. The first section briefly takes an overview of core European values enshrined in the European normative texts underpinning civil society. The next part assesses cooperation between an EU member state of the Netherlands and a civil society actor EUROCLIO, promoting education in history and citizenship as a means of conflict resolution in the former communist space, achieving only limited progress. There are two caveats to this assessment: first, peace initiatives are perceived in mixed ways on the ground; and second, the preferences of the states affect their external policy.

4.7.1. Humanitarian INGOs

The EU and civil society hold that common liberal values can facilitate conflict transformation. At the core of European values, as Robert Stradling and Christopher Rowe note, are human rights, reciprocity, tolerance, freedom, respect for reasoning and truth.⁶⁷⁰ These fundamental values are enshrined in the Universal Declaration of Human Rights (UDHR),⁶⁷¹ and the European Convention on Human Rights (ECHR).⁶⁷² Such a value-based approach underlies, as a guiding principle, the policy adopted by the EU and civil society to settle conflicts in the South Caucasus. Such policy can be pursued through history and civic education, pioneered by the INGOs. As the PACE asserts, “having a key political role to play in today’s Europe history teaching can be a tool to support peace and reconciliation in conflict and post-conflict areas.”⁶⁷³ In 2009 the Prague Summit endorsed the Eastern Partnership Civil Society Forum (CSF) in promoting contacts between civil society in the EU and the EaP region for the capacity building of the local NGOs, with common projects related to political transformation, economic integration and multiethnic cohesion.

The work of the EU and the INGOs in conflict resolution in the South Caucasus has encompassed three tracks of diplomacy. Track I has involved governmental diplomacy, track II – multiple levels of contact, and track III – the people’s level. A peacebuilding practitioner comments that the INGOs were often inclined to adopt a top-down approach instead of engaging with communities on the ground and this accounts for the limited progress in confidence building.⁶⁷⁴ Another practitioner

⁶⁷⁰ Robert Stradling and Christopher Rowe, *Council of Europe: Handbook on Cultural Values for Europe* (CoE: Strasbourg, 2009), 12.

⁶⁷¹ United Nations, Universal Declaration of Human Rights, Paris, 1948, Accessed 24-05-13, <http://www.un.org/en/documents/udhr/>.

⁶⁷² Council of Europe, European Convention on Human Rights, Rome, 1950, Accessed 18-11-14, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁶⁷³ Parliamentary Assembly of the Council of Europe, Recommendation 1880 (2009), History Teaching in Conflict and Post-Conflict Areas, Strasbourg: PACE, Accessed 26-05-13, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/EREC1880.htm#1>.

⁶⁷⁴ Interview 41.

adds that movements at all levels are important for shaping peace dynamics, and, although the bottom-up approach is more sustainable, it needs to rely on the readiness for political solution.⁶⁷⁵ On political will from the top, the practitioner notes that the EU is unlikely to facilitate civil society engagement without a normalisation process between the Georgian-Abkhaz and the Georgian-South Ossetian authorities.⁶⁷⁶ A director of community foundation for Northern Ireland, drawing on the Northern Irish peace process as a major accomplishment of recent peacebuilding, says that it is essential to combine both approaches for intercommunity reconciliation.⁶⁷⁷ A university academic at a state university in Tbilisi observes that, from the onset, the Western individuals and groups volunteered to facilitate peace among the local communities in Georgia.⁶⁷⁸ Since 1997, the work of the INGOs on the Georgian-Abkhaz conflict, known as the Schlaining process, has involved both political elites and civil society.⁶⁷⁹ The EU's role as a peace facilitator increased by including civil society actors in its external policy. However, there is a general sentiment that the EU has not sufficiently availed itself of the resources of the INGOs to deal with conflicts. A Eurasia projects director at a peacebuilding INGO believes that the EU policies aimed at responding to the needs on the ground and at encouraging governments to be more flexible on their positions have reached their limits without any particular effect.⁶⁸⁰ Regarding Nagorno-Karabakh, in its recommendations for conflict settlement, the International Crisis Group (ICG) suggested that the EU promoted confidence building with the ENP and that the EUSR observed the Minsk process.⁶⁸¹ It was only in 2011 that the EU combined efforts with the INGOs by bringing five predominantly UK-based INGOs (International Alert (IA), Conciliation Resources (CR), LINKS, Crisis Management Initiative (CMI), and the Kvinna till Kvinna Foundation) into an international consortium to work on Nagorno-Karabakh.⁶⁸² Joint activities with civil society actors, similar to Abkhazia and South Ossetia, did not yield policy coherence to EU conflict resolution in Nagorno-Karabakh. The EU, in cooperation with international INGOs, has not achieved coherence in conflict resolution as a result of not drawing on their full potential.

⁶⁷⁵ Interview 26.

⁶⁷⁶ Ibid.

⁶⁷⁷ Interview 32.

⁶⁷⁸ Interview 42.

⁶⁷⁹ Oliver Wolleh, "Difficult Encounter: The Informal Georgian-Abkhazian Dialogue Process," Berghof Report No12, Berlin: Berghof Peace Support, 2006, Accessed 31-05-13, http://www.berghof-peacesupport.org/publications/SC_Difficult_Encounter.pdf.

⁶⁸⁰ Interview 26.

⁶⁸¹ International Crisis Group, "Nagorno Karabakh Risking War," Europe Report No 187, Brussels, 2007, Accessed 20-02-15, http://www.crisisgroup.org/~media/Files/europe/187_nagorno_karabakh_risking_war.pdf, 7.

⁶⁸² European External Action Service, "European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh, Project Summary," 2011, Accessed 1-02-14, http://eeas.europa.eu/delegations/georgia/documents/projects/epnk_phase_1_-_project_summary.pdf.

4.7.2. History Education for Conflict Transformation

It is worth examining the way in which EU member states perceive their neighbourhood as they deal with issues on an EU level. One major member state of the Netherlands stands out with its distinct policy mechanism towards EU's eastern neighbourhood. This is demonstrated by its bilateral cooperation with the Matra Social Transformation Programme for Central and Eastern Europe (Maatschappelijke Transformatie), redeveloped in 2004 and originally pursued in response to the post-communist changes in the CEE. The policy document, "Matra Modernised," categorises the EU neighbourhood in terms of three groups: EU candidates (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Turkey), eastern partners without accession prospects (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), and Russia.⁶⁸³ The document underlines the incentive to stabilise the EU neighbourhood by supporting democracy, the market economy and the post-conflict situation with an explicit understanding that "[a] stable region is in the interests of the Netherlands."⁶⁸⁴ To help the CEE countries overcome transition, the Dutch government has drawn on the resources of civil society and is supportive of a similar approach on the EU level.⁶⁸⁵ Besides cooperation at the governmental level, member states reach out to the grassroots level together with civil society actors.

In its performance of its conflict resolution, the EU has worked with a Hague-based European Association of History Educators – EUROCLIO. Since its founding in 1992, at the request of the CoE, this professional association, which unites predominantly Western countries, has encouraged innovative and responsible history education in those regions affected by conflict. A founding president of EUROCLIO stresses that "sharing knowledge by teaching and learning history promotes cultural diversity, tolerance, and peace."⁶⁸⁶ A senior project manager at EUROCLIO adds, "civil society organizations in the EU inspire committed individuals in the SC countries to reinforce the open society culture in their local contexts."⁶⁸⁷ In order to revisit the causes of ethnic tensions after the 2008 conflict, the Matra Programme supported a project called "Tolerance Building through History Education," managed by EUROCLIO and its regional member association Georgian Association of History Educators (GAHE/IMSA). This project produced supplementary

⁶⁸³ Ministry of Foreign Affairs, The Kingdom of the Netherlands, "MATRA Modernised," MFA: The Hague, 2009, Accessed 23-12-11, http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/key_topics/matra_programme/matra-programme-modernised; Adviesraad Internationale Vraagstukken, "De Nieuwe Oostelijke Buurlanden van de Europese Unie," Advies No. 44, 2005, Den Haag: AIV, Accessed 7-02-14, [http://cms.webbeat.nl/ContentSuite/upload/aiv/doc/44AIV\(2\)\(1\).pdf](http://cms.webbeat.nl/ContentSuite/upload/aiv/doc/44AIV(2)(1).pdf), 24, (in Dutch).

⁶⁸⁴ MFA, The Netherlands, "MATRA Modernised," 13-15.

⁶⁸⁵ Interview 40.

⁶⁸⁶ Interview 39.

⁶⁸⁷ Interview 40.

resource material for secondary education.⁶⁸⁸ The Georgian state had its own policy for human rights education, pursued by the Civic Integration and Tolerance Council within the Administration of the President of Georgia, guided by the National Concept for Tolerance and Civic Integration and implemented by the Ministry of Education and Science of Georgia.⁶⁸⁹ Although both the national policy and the EUROCLIO/Matra promoted inclusive history, the work of the latter was initially met with mixed feelings in Georgia.⁶⁹⁰ Despite understanding that Georgia, as a part of Europe, shares European culture and values, those values are perceived differently from those which are regarded as intrinsically Georgian.

Conservative circles in Georgia identify a Western hypocrisy existing alongside the Western values of democracy. The difficulty of acknowledging civil society initiatives at the national level has restricted the work of this INGO and the EU related to conflict resolution. The EU's engagement with civil society is primarily limited by the competing priorities of the member states. A recurring argument among peacebuilding practitioners over the shortfall of the INGO engagement is that the member states have different interests in relation to EU foreign policy. The director of EUROCLIO shares concerns over the willingness of people in Europe to contribute to peace in their neighbouring countries and, in her words, "it increasingly turns out that people are unwilling to do so."⁶⁹¹ As the history educator notes with regret, "the Netherlands has lately become inward-looking because the populist government is less supportive of engagement of the EU and civil society in Europe's neighbourhood."⁶⁹² On the various preferences of the member states, the senior project manager points out that the Netherlands has refocused its geographical attention on the Arab region and the Matra programme has recently been put on hold.⁶⁹³ The project manager concludes, "[S]outh Caucasus is probably not on top of the agenda in the EU, but the neighbourhood policy instruments of the ENP and EaP facilitate social cooperation to change this dynamic."⁶⁹⁴ Mixed

⁶⁸⁸ Nana Tsikhistavi, "Intercultural Dialogue in History Teaching," Georgian Association of History Educators, *IstoriKosi* 1 (2011): 8; Rumiana Kusheva, Elene Medzmariashvili, Tea Karchava, Nino Chikovani and Joke Van der Leeuw-Roord, (eds.) *How We Lived Together in the 20th Century in Georgia: 29 Worksheets for the Interactive History Teaching*. Tbilisi: Georgian Association of History Educators, 2009.

⁶⁸⁹ Administration of the President of Georgia, Civic Integration and Tolerance Council, National Concept for Tolerance and Civic Integration, Tbilisi, 2008, Accessed 23-05-13, http://diversity.ge/files/files/National%20Concept_Eng.pdf; National Centre for Teacher Professional Development, "Tolerance in Education Programmes," *Teacher* 6 (2010): 19-22.

⁶⁹⁰ EUROCLIO, "Special Report Uncovering Diversity in History, Tolerance Building through History Education in Georgia: How to Teach History and Citizenship in a Multicultural and Multireligious Environment? 2008 – 2011," EUROCLIO Secretariat: The Hague, 2011, Accessed 20-12-11, http://www.EUROCLIO.eu/new/index.php/resources-publications-a-websites/recommendations--advise-on-education-policies/cat_view/210-resources/213-special-reports?limit=100&limitstart=0&order=date&dir=DESC, 12.

⁶⁹¹ Interview 39.

⁶⁹² Ibid.

⁶⁹³ Interview 40.

⁶⁹⁴ Ibid.

perceptions about the INGOs work and different preferences among the member states limit the conflict resolution work of the EU and civil society in the South Caucasus.

To sum up, this subchapter has found that the outreach for conflict resolution through history education in Georgia, supported by the Dutch government, has been limited. As the Government shifted its focus to a different geographic area, policy support towards the South Caucasus also changed. Observation of initiatives conducted by individual member states shows that EU external policy in cooperation with civil society in conflict resolution in the South Caucasus remains incoherent. Conversely, in the Northern Ireland community, initiatives facilitated by the EU contributed to conflict resolution, as discussed in the next subchapter.

4.8. EU Role in Peacebuilding in Northern Ireland

This subchapter explores the implications of the EU's role in peacebuilding in Northern Ireland for the third party assistance to the South Caucasus, drawing on similar patterns between these two conflicts. It argues that the EU can identify similarities in its engagement in the Northern Irish conflict with religious causes, for conflict resolution in the South Caucasus, that distinguish with territorial reasons, despite the differing natures of the conflicts inside and outside its borders.

Situated in the northeast part of the island of Ireland and partitioned from Southern Ireland in 1921, Northern Ireland is a constituting self-governing part of the UK with devolved institutions and a unique constitution. The division of Protestants and Catholics turned into political separation when those living in Northern Ireland who identified themselves as unionists wished to remain with the UK, whereas that part of the population calling themselves nationalists sought unification with the Republic of Ireland.⁶⁹⁵ The conflict, known as the Troubles, lasted from 1969 to 1994 and ended comparatively quickly with a substantial outcome after the signing in 1998 of the Belfast Agreement, otherwise known as the Good Friday Agreement.⁶⁹⁶ It has been argued that the Agreement is inherently illiberal because a consociational settlement dismisses a common

⁶⁹⁵ Richard Wilford, "Northern Ireland: St Andrews – The Long Good Friday Agreement," in *Devolution, Regionalism and Regional Development*, ed. Jonathan Bradbury (Abington: Routledge, 2008), 67; Jonathan Powell, *Great Hatred, Little Room: Making Peace in Northern Ireland* (London: Bodley, 2008); Donnacha Ó Beacháin, *The Irish Government and the Northern Ireland Question since 1922: The Politics of Partition* (Manchester: Manchester University Press, 2013).

⁶⁹⁶ Northern Ireland Peace Agreement, (The Good Friday Agreement), The Agreement Reached in the Multi-Party Negotiations, Belfast, 10 April 1998, Accessed 3-02-14, <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/good-friday-agreement.pdf>.

citizenship.⁶⁹⁷ Despite its achievement in conflict resolution, the transition from conflict to peace has been problematic, as observed by an advisor to the Secretary of State for Northern Ireland in the 1990s.⁶⁹⁸ The peace process in Northern Ireland cannot be understood without examining the role of the external actors who mediated between local political groups and provided assistance.

The EU's involvement in Northern Ireland was key in providing resources for community relations and building civic infrastructure. The nature of the consociational institutions and the policy acceptance are central features of the political accommodation in Northern Ireland.⁶⁹⁹ Another relevance for the EU's conflict resolution policy in the context of the South Caucasus is that peace needs to occur at the grassroots level to achieve conflict transformation.⁷⁰⁰ According to a peace practitioner who leads a conflict research institute in the Northern Irish city of Derry, well known for sectarian violence, the building of empathy and reconciliation between the opposing sides changed the dynamics of this intercommunal conflict and this can be adapted to the Caucasus context.⁷⁰¹ This holds true for the EU non-recognition policy towards Abkhazia and South Ossetia. Funding from the European Union Support Programme for Peace and Reconciliation has influenced the perception of reconciliation among people as a concept associated with the EU programme.⁷⁰² As Neil Jarman states, community-based policing and security has been a good example of track II diplomacy over the past decade.⁷⁰³ Normalisation initiatives in a divided society, with partnerships and accountability, resonate with the South Caucasus context. According to a scholar of legislative studies at a university in Belfast, the conflict cannot be solved but can be managed by maintaining a peace process with assistance of the EU as an external actor.⁷⁰⁴ With assistance, the EU is likely to save protracted conflicts from escalation in the South Caucasus. The EU experience in conflict management within its member state has relevance for its policy in its eastern neighbourhood.

On a different note, the increase in economic performance in the Irish Republic since 1993 has prompted the Northern Irish population to support the unification of Northern Ireland with Southern Ireland. By the same token, it is suggested that Georgia should strive to make itself attractive to the

⁶⁹⁷ Rupert Taylor, "The Belfast Agreement and the Politics of Consociationalism: A Critique," *The Political Quarterly* 77 (2006): 220.

⁶⁹⁸ Interview 29.

⁶⁹⁹ James Hughes, "Paying for Peace: Comparing the EU's Role in the Conflicts in Northern Ireland and Kosovo," *Ethnopolitics* 84 (2009) 275-85.

⁷⁰⁰ Interview 29.

⁷⁰¹ Interview 28.

⁷⁰² Brandon Hamber and Gráinne Kelly, *A Place for Reconciliation? Conflict and Locality in Northern Ireland* (Belfast: Democratic Dialogue, 2005), 31.

⁷⁰³ Neil Jarman, "Policing the Peace Community-based Peacebuilding and Political Transition," in *Public Diplomacy, Cultural Interventions & the Peace Process in Northern Ireland: Track Two to Peace?* eds. Joseph J. Popielkowski and Nicholas J. Cull (California: Figueroa Press, 2009), 17.

⁷⁰⁴ Interview 27.

entities by becoming a functional state with a good democracy and economy.⁷⁰⁵ This idea that the central government should be an exemplar of a growing economy for the breakaway regions has gained traction within Georgian political thinking since 2004. Once it was clear that coercive measures had not yielded any significant results, favourable policies were extended through an engagement strategy towards the entities, the choice of which now resides with those entities.

This chapter has identified that international actors have been unable to influence a political solution to the protracted conflicts in the South Caucasus. For the purposes of this argument, this chapter has first explained the reasons for the conflicts in South Ossetia and Abkhazia which stem from the Soviet constitutions, the estrangement of ethnic minorities from the Georgian political elite, and nationalism. Since gaining independence, over three phases of its foreign policy, Georgia's confused dealings with Russia are apparent in its view of Russia as an interlocutor, while requesting its assistance in brokering a peace. In an attempt to reassert its regional influence, Russia has overtly supported separatist minorities politically, militarily and economically. This chapter has also presented the debate over Georgia's European and Euro-Atlantic integration and the outcome of the NATO Bucharest Summit in 2008, which was perceived as unfavorable to the nation's security. Georgian foreign policy after 2013 shows a shift towards duality in political and economic relations with Russia, coupled with the European and Euro-Atlantic policy direction.

Finally, the chapter has analysed the intersecting aspects of the EU's limitations in conflict resolution in the South Caucasus. In the 1990s, the European nations had a limited awareness of the conflict situation in their former Soviet neighbourhood. The international presence of the UN and OSCE did not reinforce the EU's representation. Despite financial assistance, the EU has been unable to incentivise the conflicting parties. Whilst not recognising Abkhazia and South Ossetia, state- and nation-building, particularly in Abkhazia gathers pace, that Georgia's engagement through cooperation and the EU's engagement without recognition strategies have not addressed. The chapter's conclusion was that the EU can draw on from the third party peacebuilding assistance in Northern Ireland for conflict resolution in the South Caucasus, in cooperation with civil society.

⁷⁰⁵ Interview 15.

Chapter 5. EU Mediation in the Russia-Georgia Conflict in 2008

EU mediation in the South Caucasus was prompted by the outbreak of the armed conflict between Georgia and Russia in August 2008. During the crisis, the EU increased its political level of engagement by appointing the EUSR for the Crisis in Georgia, sending in the EUMM, and establishing the Geneva Process. Whilst the EU views its mediation in Georgia as a major example in common policy coherence, this chapter posits that EU member states had divergent opinions regarding their involvement and the EU has not been coherent in conflict resolution.

This chapter investigates whether the differing preferences of the member states, consequent upon their historical experience with Russia, accounted for their divergence. This idea is developed in four steps: the first subchapter analyses EU mediation, marked by two ceasefire agreements: a Six-Point Peace Agreement on Ceasefire, and a Declaration of the European Commission and European Council. During negotiations led by Nicolas Sarkozy, the President of the Council of the EU, the key principles sought by the Georgian Government were overridden. The second subchapter reveals the differing positions and limited security capabilities of EU member states. The third subchapter argues that differences among the member states over deployment of the monitoring mission challenge the existing view of the effectiveness of EUMM. By examining the GID rounds, the fourth subchapter demonstrates that the EU has not been assertive in its negotiations.

5.1. EU Diplomacy and the Peace Accord

During the Russia-Georgia conflict, the EU emerged as a mediator due to the inability of the other external actors to prevent and mediate conflict. The extent of the EU's influence over the peace process remains yet unclear. The mediation was a difficult stage in the diplomatic process, consisting of two phases, one in which the ceasefire was reached and the subsequent political settlement. The interests of the conflicting party were excluded in the agreements and these agreements since then have not been observed. Therefore, this subchapter argues that the EU's diplomacy was limited.

Mediation of the EU as a peace actor requires academic examination. Grevi defines success of EU mediation as occurring when a common effective action is accomplished.⁷⁰⁶ In this line, successful mediation would imply an assertive common action of the EU to ensure that the interests of conflicting parties are taken into account and adhered to in a peace agreement. The thesis, however,

⁷⁰⁶ Grevi, "Pioneering Foreign Policy," 34.

does not intend to measure success of mediation. This is because success cannot be confined to the extent to which EU mediation produced agreements, which excluded the objectives of the parties, or whether the provisions of the agreement were met. The thesis views the EU mediation in terms of literature contrasting functional and political cooperation explained earlier in chapter 2.

This subchapter does not evaluate mediation against the terms of the peace agreement and the extent these terms have been upheld. The EU's mediation, in fact, is mixed in what is deemed to be a robust intervention.⁷⁰⁷ MacFarlane observes that, although the EU helped to stop hostilities, it had difficulty in adopting a united stance in relation to external crisis resolution in its eastern neighbourhood.⁷⁰⁸ Cornell and Starr add that the EU's diplomacy has shown limitations in its *ad hoc* engagement and in its encouragement of the meeting of the provisions during institutional mediation.⁷⁰⁹ As the authors note, prior to that, EU's profile in the region had focused on its own needs in energy and governance, ignoring the region's security requirements for conflict resolution.⁷¹⁰ Likewise, Dennis Sammut points out that, despite mediation and financial assistance, there is "a gap between the stated objectives of the European Union and their implementation."⁷¹¹ During the first phase of its diplomacy, the EU's priority was the conformity of the parties with the ceasefire. The accord, however, did not include provisions of vital importance for the Georgian Government about the return of displaced people and the use of existing international mechanisms for negotiation. Although under the second point of the agreement, the ceasefire marked results in mediation, part of contention of this subchapter is that hostilities apparently stopped when the situation on the ground had reached a stalemate, prior to the EU's common decision to intervene. Other than that, the thesis analyses the impact of mediation over the second phase by comparing the objectives of the agreement against their outcomes during the Geneva Process. An analysis of the mediation suggests that, because the terms requested by the Georgian side were excluded and even those agreed were not adhered to by Russia, the EU's mediation was limited in both phases.

Following the outbreak of the conflict, the three largest EU members – France, Britain and Germany – started to mediate with Moscow and Tbilisi. After five days of fighting, before a common policy was formulated, individuals from the member states began to act. The decision to

⁷⁰⁷ Frichova Grono, "Georgia's Conflicts: What Role for the EU as Mediator?" Initiative for Peacebuilding, London: IA, 2007, Accessed 2-02-14, http://initiativeforpeacebuilding.eu/pdf/Georgia_March2010.pdf, 7.

⁷⁰⁸ MacFarlane, "The Crisis in Georgia."

⁷⁰⁹ Svante E. Cornell and Frederick S. Starr, (eds.) *The Guns of August 2008: Russia's War in Georgia* (New York: Sharpe, 2009).

⁷¹⁰ Cornell and Starr, *The Guns of August*, 7.

⁷¹¹ Dennis Sammut, "The European Union's Increased Engagement with the South Caucasus," in *The Black Sea Region and EU Policy: The Challenge of Divergent Agendas*, eds. Karen Henderson and Carol Weaver (Surrey: Ashgate, 2010), 79.

engage was made by the so-called *troika* – the President of the Council, Nicolas Sarkozy, SG/HR Solana, and the President of the European Commission, José Manuel Barroso. In addition, the decision was delegated to Bernard Kouchner, the French Foreign Minister, and the European Commissioner for External Relations, Benita Ferrero-Waldner. The mediation was largely facilitated by the French presidency, strengthened by the personal credentials of the President of the French Republic, Sarkozy, who took a leading role as well as an intermediary position between Moscow and Tbilisi. The leaders of Germany and the UK negotiated separately between the two capitals. On 12 August 2008, during the visit of President Sarkozy together with Foreign Minister Kouchner to Moscow, after meeting President Dmitriy Medvedev, Prime Minister Putin, and Foreign Minister Sergey Lavrov, the Russian President announced that agreement had been achieved.⁷¹² The agreement did not include those provisions critical for the Georgian side, notably, repatriation of displaced people and availing international frameworks for negotiations. Eventually it was accepted as *fait accompli*, especially due to its fifth and sixth points, by the Georgian side during the visit of Foreign Minister Kouchner to Tbilisi on the same day.⁷¹³ After these negotiations, two documents were concluded: Protocole d'accord – the Six-Point Peace Agreement on Ceasefire on 12 August 2008,⁷¹⁴ followed by an implementation document – the Declaration of the European Commission and European Council on 9 September 2008, signed by President Sarkozy and President Barroso after the Extraordinary European Council met on 1 September.⁷¹⁵ Officials both at the Commission and the Council state that the EU supported Georgia because stability in the South Caucasus was important for stability in the EU.⁷¹⁶ In the assessment of the MEP, the EU intervention eventually appeased tensions.⁷¹⁷ An examination of the peace document presents a somewhat different picture of the EU's mediation.

The extent the conflicting parties' adherence to the peace agreement is disputed. First, it is difficult to identify an official version of the Protocole d'accord agreed by all parties since two documents

⁷¹² Prezident Rossiiskoi Federatsii, Zayavlenie dlya pressy po itogam peregovorov s Prezidentom Frantsii Nikoloya Sarkozi, 12 Avgusta 2008, Moskva: Kreml, Accessed 16-01-14, http://archive.kremlin.ru/appears/2008/08/12/2004_type63374type63377type63380type82634_205199.shtml, (in Russian).

⁷¹³ Interview 1.

⁷¹⁴ Le Président de la République, Protocole d'accord, Pour l'Union européenne, la Présidence française Nicolas Sarkozy; Pour la République de Géorgie, la Présidence géorgienne Mikheil Saakashvili, 2008, Accessed 10-01-14, <http://www.smr.gov.ge/docs/doc111.pdf>, (in French); see Appendix 1.

⁷¹⁵ Council of the European Union, Presidency Conclusions, Extraordinary European Council, 12594/08, 1 September 2008, Brussels, Accessed 11-01-14, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/102545.pdf; Council of the European Union and the Commission of the European Union, Declaration of Council of the European Union and the Commission of the European Union, Tbilisi, 2008, Accessed 19-01-13, http://www.mfa.gov.ge/files/557_9866_180263_evropulisabchosadaevrokomisiistavmjdomaretadeklaracia.pdf.

⁷¹⁶ Interview 15; Interview 13.

⁷¹⁷ Interview 8.

were signed separately.⁷¹⁸ The first document, available in French, only bears the signature of President Sarkozy and President Saakashvili, and the second, in Russian, is signed by President Medvedev on behalf of the Abkhaz and Ossetian sides.⁷¹⁹ In addition to that, President Sarkozy, together with SG/HR Solana, President Barroso, and President Medvedev, agreed on implementing measures for the ceasefire agreement of 12 August in Moscow, but no relevant document followed from this. The documents reflect President Sarkozy's particular diplomatic style, which deviated from standard procedures during the escalated crisis.⁷²⁰ The Protocole, in its final form now listed the following points: one (non-use of force), two (cessation of hostilities), three (humanitarian aid), four and five (the Russian and Georgian withdrawals), and six (international discussions).

The Georgian Government denounced Russian compliance with the immediate terms because points one, three, four, and six had not been upheld. The first point was violated as the parties had resorted to the occasional use of force.⁷²¹ In line with point two, the formal halt to military actions marked the *ad hoc* achievement of the EU. In fact, the fighting did not stop until 12 August, when the Russian forces had achieved their objectives by going forward in Georgia and reaching what became the official ceasefire line in the agreement.⁷²² The other side of the ABL line in South Ossetia has been closed to humanitarian aid providers, such as the International Committee of Red Cross/Red Crescent (ICRC) and the Médecins Sans Frontières (MSF).⁷²³ The third point continued to be neglected despite the Security Council's call for an immediate access for humanitarian provision and an unimpeded access for the displaced in conflict-affected areas.⁷²⁴ Point four, on the withdrawal of the Russian forces, is arguably the most critical. After the Georgian side declared the ceasefire on 10 August and returned to its quarters, the Russian troops followed the army and entered deeper into Georgia. Russian forces withdrew from Poti and Gori, as well as from uncontested territories in October 2010, but they had strengthened their positions in the Akhalkalaki region, villages Perevi, Didi Liakhvi, Patara Liakhvi and Prone Gorge, located within the

⁷¹⁸ Heidi Tagliavini, Independent International Fact-Finding Mission on the Conflict in Georgia, Report, Volume III, Brussels: Council of the European Union, 2009c, Accessed 16-01-13, http://www.ceiig.ch/pdf/IIFFMCG_Volume_III.pdf, 592-93.

⁷¹⁹ See Appendices 1 and 2.

⁷²⁰ Interview 1.

⁷²¹ Ministry of Foreign Affairs of Georgia, "Violations of the Six Point Agreement on Ceasefire from the Side of the Russian Federation," Tbilisi: MFA, 2008, Accessed 18-10-12, http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=557.

⁷²² Sabine Fischer, "European Policy towards the South Caucasus after the Georgia Crisis," *Caucasus Analytical Digest* 1 (2008): 2-6.

⁷²³ Médecins Sans Frontières, "MSF Continues Seeking Access to South Ossetia While Assisting People Displaced by the Conflict," 20 August 2008, MSF, Accessed 23-02-10, <http://www.msf.org.au/from-the-field/field-news/field-news/Art/georgiasouth-ossetia-activity-update.html>.

⁷²⁴ United Nations General Assembly, Resolution A/RES/63/307, Status of Internally Displaced Persons and Refugees from Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia, 9 September 2009, Accessed 11-01-14, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/307&Lang=E.

jurisdiction of the Provisional Administration of South Ossetia and never pulled back to the positions held prior to the outbreak of hostilities. As Colonel Christopher Langton observed, the Russian presence amounted to 3,000 soldiers in Abkhazia and to 2,000 soldiers of the 58th Army in South Ossetia.⁷²⁵ Illustrating the European Parliament's position towards Russia's use of force, the Resolution from 2008 underlined that there was "no legitimate reason for Russia to invade Georgia, [and] to occupy parts of it."⁷²⁶ The Resolution from 2011 reiterated that:

[A]lmost three years after the conflict with Georgia, Russia still does not respect the agreements of 12 August and 8 September 2008 on the withdrawal of troops to the pre-conflict positions from the Georgian occupied provinces South Ossetia and Abkhazia and does not guarantee the European Union Monitoring Mission (EUMM) access to these territories.⁷²⁷

The fifth point, asserting that "[p]ending an international mechanism, Russian peacekeeping forces will implement additional security measures,"⁷²⁸ was initially not acceptable to the Georgian side. President Sarkozy reassured President Saakashvili, in a later communication from 14 August, that the provisional patrol measures were implemented inside the ABL while the mandate of international mechanism was the subject of discussion by the OSCE, the EU and the UN.⁷²⁹ The sixth point initially included defining the political status of the entities.⁷³⁰ According to a Council official, President Saakashvili opposed the terms on status that were later replaced by initiating "international discussions on modalities for security and stability in [sic] Abkhazia and South Ossetia."⁷³¹ This is the baseline of GID in terms of security and stability for conflict settlement.

At present, 20% of Georgian territory remains occupied, being under the control of the Russian armed forces without the consent of the domestic government. Occupation is determined following the law on military occupation prescribed by the Hague Regulations of 1907 that "[t]erritory is considered occupied when it is actually placed under the authority of the hostile army."⁷³² As an occupying power, Russia must adhere to its obligations under international humanitarian and human rights law in respect to the occupied territories. Under international humanitarian law,

⁷²⁵ Cristopher Langton, "Georgia's Dream is Shattered, But It Only Has Itself to Blame," London: International Institute for Strategic Studies – IISS, 2008, Accessed 11-06-09, <http://www.iiss.org/whats-new/iiss-in-the-press/press-coverage-2008/august-2008/georgias-dream-is-shattered-but-it-only-has-itself-to-blame/>.

⁷²⁶ European Parliament, Resolution on the Situation in Georgia, P6 TA (2008) 0396, 3 September 2008, Brussels, Accessed 17-11-14, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0396+0+DOC+XML+V0//EN>.

⁷²⁷ European Parliament, Resolution on the EU-Russia Summit, 9 June 2011, *Official Journal of the European Communities* L 380 2012, Accessed 28-01-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:380E:0123:0128:EN:PDF>.

⁷²⁸ Protocole d'accord.

⁷²⁹ Le Président de la République, "Son Excellence Monsieur Mikhaïl Saakachvili Président de la Géorgie," Nicolas Sarkozy, Paris: L'Administration du Président de la France, 14 Août 2008, Accessed 10-01-14, <http://www.smr.gov.ge/docs/doc112.pdf>, (in French).

⁷³⁰ Interview 13.

⁷³¹ Protocole d'accord.

⁷³² Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention: Regulations Respecting the Laws and Customs of War on Land, The Hague, 1907, Accessed 16-01-14, <http://www.icrc.org/ihl.nsf/INTRO/195?OpenDocument>, Art. 42.

Russia is required to comply with the law of occupation as principally governed by the Fourth Geneva Convention of 1949 and the First Additional Protocol of 1977, which includes the fundamental protection of human rights.⁷³³ As Georgia and Russia are both party to international human rights treaties, including the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), Russia is also bound to comply with international human rights law.⁷³⁴ Again, as both Georgia and Russia are party to the ECHR, the occupied Georgian territories fall under the jurisdiction of the European Court of Human Rights (ECtHR). Human rights violations and ethnic cleansing directed to ethnic Georgians in the areas under the effective control of Russian forces has been continuously deplored by PACE, ICG and Human Rights Watch (HRW).⁷³⁵ To that end, the Georgian Government instituted proceedings against Russia before the International Court of Justice (ICJ) in 2008 on the grounds that Russia violated the 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD). Georgia contended that in 1990-2008 during its intervention in South Ossetia and Abkhazia:

The Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through the South Ossetian and Abkhaz separatist forces and other agents acting on the instructions of, and under the direction and control of the Russian Federation, is responsible for serious violations of its fundamental obligations under [the] CERD.⁷³⁶

However, in 2011, the Court determined that it did not possess the jurisdiction to hear the merits of the case and it was summarily dismissed.⁷³⁷ In 2014, the Office of the Prosecutor (OTP) at the International Criminal Court (ICC) in its preliminary examinations concluded that:

South Ossetian forces carried out a widespread and systematic attack against the ethnic Georgian civilian population in South Ossetia and adjacent areas in the context of the armed conflict in the period from August 2008 through October 2008 that amounted to the crime against humanity of forcible transfer of ethnic Georgians under article 7(1)(d) [of Rome Statute].⁷³⁸

Despite this conclusion, due to the on-going national proceedings in both Georgia and Russia, the OTP postponed its decision to open an investigation of the situation in Georgia. In such matters related to the ICJ and ICC, the EU has no direct influence on judicial stages. The outcomes of these

⁷³³ Geneva Academy of International Humanitarian Law and Human Rights, "Georgia: Applicable International Law," Rule of Law in Armed Conflicts Project, Geneva: Adh, 2009, Accessed 16-01-14, http://www.adh-geneva.ch/RULAC/applicable_international_law.php?id_state=68.

⁷³⁴ United Nations, International Covenant on Civil and Political Rights, New York, 1966, Accessed 18-11-14, <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>.

⁷³⁵ PACE, Resolution 1633 (2008), Para. 24.4; International Crisis Group, "Russia-Georgia Still Insecure and Dangerous," Europe Report No 53, Brussels, 2009, Accessed 20-11-14, <http://www.crisisgroup.org/~media/Files/europe/B53%20Russia-Georgia%20-%20Still%20Insecure%20and%20Dangerous.pdf>, 1; Human Rights Watch, "Up in the Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia," Report 1-56, New York, 2009, Accessed 20-11-14, <http://www.hrw.org/sites/default/files/reports/georgia0109web.pdf>, 131.

⁷³⁶ International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Application Instituting Proceedings, The Hague: ICJ, 2008, Accessed 18-10-14, <http://www.icj-cij.org/docket/files/140/14657.pdf>, Para. 81.

⁷³⁷ ICJ, Preliminary Objections, Summary of Judgement, The Hague: ICJ, 2011, 16.

⁷³⁸ Rome Statute of the International Criminal Court, Rome: ICC, 1998, Accessed 10-12-14, http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf, 7(1)(d).

⁷³⁹ International Criminal Court, The Office of the Prosecutor, Report on Preliminary Examination Activities 2014, Voorburg: ICC, 2014, Accessed 9-12-14, <http://www.icc-cpi.int/iccdocs/otp/OTP-Pre-Exam-2014.pdf>, Par. 140.

proceedings, however, may well impact EU policy – particularly its capacity as a mediator, as a consequence of the altered situation between Georgia and Russia.

As the international armed conflict between Georgia and Russia is regulated by international law, at all such interventions, the EU preferred to act as a mediator instead of engaging with Russia on the grounds of its violation of international law violations. Although the EU was able to facilitate a ceasefire agreement, the EU did not yet have the requisite political authority to ensure that the parties observed the agreement. The terms of the agreement were not respected by Russia and, therefore, the second phase of mediation conducted by the EU ultimately showed limited progress. The concurrent attempt by Georgia to bring proceedings before the ICJ to order Russia to comply with its obligation under international law was also unsuccessful.

Although the EU's involvement in the 2008 conflict is considered to be the most rapid of any such involvements in an external crisis, it was still quite a while before the EU engaged with the parties. The EU's inability to react more promptly was, in large part, a consequence of the absence of a EU contingency plan for crisis escalation, despite a deteriorating security situation in its neighbourhood. Its regional presence did probably allow the EU to assess the volatility of the situation, but a senior officer in the Council hinted that the EU did not have an operational plan in place because it had not been anticipated that the crisis would escalate to such a magnitude.⁷⁴⁰ In contrast, the Commission official advances that there was a need to work to de-escalate the crisis and stabilise the situation, prior to August 2008 that implies that the EU was aware of tensions between the conflicting parties.⁷⁴¹ As the official specified a year after the crisis, the EU has a strong political dialogue with Russia when it faces important issues in their common neighbourhood. In the run-up to the fighting during their discussion with Russia about recurring incidents, the Russian response was that the main interlocutor was the Georgian Government.⁷⁴² Despite acknowledging the need to address the issue, the Commission official emphasises the brevity of the war and the absence of any specific warning of escalation from Tbilisi or Moscow.⁷⁴³ As the official said: "Contingency plans existed in general terms how one can react using crisis management measures," but the EU did not foresee that the situation would escalate in such a short space of time.⁷⁴⁴ When the crisis escalated, it took the EU considerable time to put a mission in place and to earmark specific forces from the member states. After the war, the Commission, together with the World Bank, organised a Donors' Conference for Georgia and pledged USD 4.5

⁷⁴⁰ Interview 13.

⁷⁴¹ Interview 10.

⁷⁴² Ibid.

⁷⁴³ Ibid.

⁷⁴⁴ Ibid.

billion for 2008-2010 in assistance for social and infrastructural rehabilitation and economic recovery.⁷⁴⁵ As the Commission official concludes, the EU can use various instruments to influence the behaviour of the parties but, ultimately, in the absence of any leverage, Russia is not challenged in the region.⁷⁴⁶ Following the military cooperation treaties concluded by Russia with Abkhazia and South Ossetia, the contingents are likely to stay in the entities for the foreseeable future.

During the conflict, other regional and international actors were in a far weaker position to defuse military tension. In answer to a question on relations between Russia, the EU and the US, Professor Burns says that, since the collapse of the Soviet Union with a “triangular dialogue” underway between Moscow, Brussels, and Washington, many steps have been taken to move away from armed confrontation.⁷⁴⁷ Following the decade of the Cold War in international politics from 1945 to 1991, the level of nuclear weapons in the US and Russia has decreased and the US needs to continue to cooperate with Russia to eliminate the risk of war between Russia, Europe, and the US.⁷⁴⁸ Although Russia is a potential partner with the US in building nuclear confidence and counterterrorism, Burns emphasises the need to have a balanced policy towards Russia: “The Russians are designing a greater sphere of influence that is not in the interest of the peoples of Central Europe or Western Europe or North America. ... I would hope that the United State and Europe will continue to be strong enough that Russia would not try to re-impose its will on Estonia, Latvia, Lithuania, Georgia, Poland, Bulgaria and Romania.”⁷⁴⁹ The US as well as NATO did not mediate between Russia and Georgia as their engagement would cause an even more hostile response from Russia. The US limited its support to the arrival of the Secretary of State, Condoleezza Rice, on 15 August, and statements made by both the Democratic and Republican presidential candidates, Barack Obama and John McCain. Yet, as Vladimir Orlov indicated, the conflict damaged a strategic dialogue between the US and Russia.⁷⁵⁰ After 2008, under the administration of President Obama, the US pursued a “reset” policy with Russia, revising the US missile defence plans in Central Europe. Russia’s reciprocal willingness to alter their relations was reflected in the National Security Strategy of the Russian Federation.⁷⁵¹ On the consequences of the

⁷⁴⁵ United Nations and World Bank, Georgia: Summary of Joint Needs Assessment Findings, Prepared for the Donors’ Conference, Brussels, 2008, Accessed 11-01-14, <http://www.enpi-info.eu/library/content/georgia-summary-joint-needs-assessment-findings>.

⁷⁴⁶ Interview 11.

⁷⁴⁷ Burns, “Global Challenges for Europe and America,” Podcast, LSE, 01:04.

⁷⁴⁸ Ibid., 01:05.

⁷⁴⁹ Ibid., 01:06.

⁷⁵⁰ Vladimir Orlov, “Bez Illuzii: O Rossiisko-Amerikanskikh strategicheskikh otnosheniyakh posle Gruzinskogo krizisa,” Tsentr Politicheskikh Issledovaniy Rossii – PIR Tsentr, *Index Bezopasnosti* 4 (2008): 105-10, (in Russian).

⁷⁵¹ Javier Morales, “Russia’s New National Security Strategy: Towards a ‘Medvedev Doctrine’?” ARI 135/2009, Spain: Elcano Royal Institute, 2009, Accessed 16-01-14, <http://www.realinstitutoelcano.org/wps/connect/0558db804fb4cfd6a6f7ff8bf7fc5c91/ARI135->

US retreat from the South Caucasus, James Nixey notes that, the South Caucasus has become an essential concern for US foreign policy, and its withdrawal from the region would not be advantageous for its interests.⁷⁵² The Council and Commission officials note that, in the light of the need for the US to cooperate with Russia on global issues, the US was not in a position to support Georgia.⁷⁵³ As Adam Hug suggested, the 2008 crisis had shaken Western support as a whole for President Saakashvili.⁷⁵⁴ Like the US, NATO limited its position with a declaratory statement by the Parliamentary Assembly, which “deplored the occupation of the Georgian territory by Russian forces.”⁷⁵⁵ By 2009 Russia, NATO and EU appeared to be at a “strategic crossroads.”⁷⁵⁶

Shortly after the conflict, Russia recognised Abkhazia and South Ossetia as independent states.⁷⁵⁷ As the President of Georgia stated in 2009, Russia’s assertive policy had already presupposed recognition of independence of both territories.⁷⁵⁸ That, of course, added to the limitations for the EU and complicated any sustainable settlement. In doing so, by ostensibly protecting their residents, Russia impeded the peace process by clearly not abiding to the agreement.⁷⁵⁹ Recognition was not followed by the major powers other than the reciprocal recognition from Abkhazia, South Ossetia, Transnistria, and Venezuela, Nicaragua, Nauru, Tuvalu. Since then Georgian officials have tried to persuade the EU to urge Russia to respect Georgia’s sovereignty. The EU reflected its non-recognition in its Conclusions demonstrating its decideveness: “The European Council strongly condemns Russia’s unilateral decision to recognise the independence of Abkhazia and South Ossetia.”⁷⁶⁰ PACE, similarly, deplored the Russian non-mandated military presence and its refusal to allow monitors.⁷⁶¹ Recognition of Abkhazia and South Ossetia is a monumental change. The EU continues to face disagreement among its member states over common approaches to the South Caucasus and this makes the achievement of a solution even more complicated.

2009 Morales Russia New National Security Strategy Medvedev.pdf?MOD=AJPERES&CACHEID=0558db804fb4cfd6a6f7ff8bf7fc5c91.

⁷⁵² James Nixey, “The South Caucasus: Drama on Three Stages,” in *America and a Changed World: A Question of Leadership*, ed. Robin Niblett (London: Blackwell/Chatham House, 2010), 139.

⁷⁵³ Interview 15; Interview 11.

⁷⁵⁴ Adam Hug, “Georgia in Flux,” in *Spotlight on Georgia*, ed. Adam Hug (London: The FPC, 2009), 11.

⁷⁵⁵ NATO Parliamentary Assembly, Declaration 373, The Conflict between Georgia and the Russian Federation, 18 November 2008, Spain: NATO PA, Accessed 2-11-14, <http://www.nato-pa.int/default.asp?SHORTCUT=1654>, Para. 1.

⁷⁵⁶ Rem Korteweg, “Russia and NATO at Strategic Crossroads,” Column, The Hague: HCSS, 2009, Accessed 3-11-09, <http://www.hcss.nl/en/column/1212/Russia-and-NATO-at-strategic-crossroads.html>.

⁷⁵⁷ Prezident Rossiiskoi Federatsii, Ukaz prezidenta rossiiskoi federatsii o priznanii Respubliki Abkhaziya, 26 Avgusta 2008 goda №1260, Moskva: Kreml, Accessed 16-01-14, <http://document.kremlin.ru/doc.asp?ID=047559>, (in Russian); Prezident Rossiiskoi Federatsii, Ukaz prezidenta rossiiskoi federatsii o priznanii Respubliki Iuzhnaya Osetiya, 26 Avgusta 2008 goda №1261, Moskva: Kreml, Accessed 16-01-14, <http://document.kremlin.ru/page.aspx?1114437>, (in Russian).

⁷⁵⁸ Interview 2.

⁷⁵⁹ Interview 6.

⁷⁶⁰ Council of the European Union, Extraordinary European Council Presidency Conclusions, 1 September 2008, 2.

⁷⁶¹ Parliamentary Assembly of the Council of Europe, Resolution 1647 (2009), The Implementation of Resolution 1633 (2008) on the Consequences of the War between Georgia and Russia, Strasbourg: PACE, Accessed 09-01-14, <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=17708&Language=EN>.

5.2. Divergence among EU Member States

Differing interests among the EU member states raises the question of whether the EU, as a supranational institution, is divided internally. This subchapter tests the relevance of common positions within EU member states by examining the EU's deliberations over involvement in the conflict between Georgia and Russia. After a brief overview about the literature on the EU's common policy of engagement in the conflict, the next part observes the negotiation process around involvement and identifies general contours of divergences between some old and new member states, and among some old member states of the EU.

An analysis of parliamentary debates of the EU member states who took the leading role in mediation demonstrates this disunity. The EU member states progressively created institutional means to foster consensus on their foreign policy directions for the common goals.⁷⁶² Yet there are counterarguments against the viability of the EU's common actions. As Merlingen and Ostrauskaitė argue, even if the institutional means of the EU converge into a common position, EU foreign policy is shaped by the most powerful member states.⁷⁶³ The decisions of the member states, acting unilaterally or in cooperation with one another, then move on to collective deliberations among all member states.⁷⁶⁴ Similarly, Joachim Bitterlich notes that national dissimilarities of the member states still outweigh commonalities among them and, in the absence of consensus among all member states, the EU finds it hard to formulate common foreign policy.⁷⁶⁵ In this context, a broad spectrum of opinions exists about a common foreign policy among the 27 member states regarding engagement in Georgia. Towards one end of the spectrum, the new member states hold that the EU should engage more resolutely in its eastern neighbourhood, and at the other end, some old members have different ideas about their engagement. During the conflict, two levels of divergence arose – predominantly between some old and new member states of the EU and among several old members. The EU appears to be coherent in approximation with conditionality to its neighbours, but it is not as consistent about pursuing common political agendas.

During the conflict, the EU struggled to formulate a common policy for engagement. The Report on Implementation of the ESS noted that involvement in Georgia demonstrated the achievement of EU collective action and accentuated the need for a more coherent contribution. As the ESS reported, although the EU has made a difference in dealing with crises since 2003, there is a need to expand

⁷⁶² Grevi, "Pioneering Foreign Policy," 30.

⁷⁶³ Merlingen and Ostrauskaitė, "EU Peacebuilding in Georgia," 293.

⁷⁶⁴ Ibid., 293.

⁷⁶⁵ Joachim Bitterlich, "How to Get Europe's Common Foreign Policy out of the Doldrums," *Europe's World* 6 (2007): 19.

its mediation capacities: “[w]e need to be still more capable, more coherent and more active.”⁷⁶⁶ At the Extraordinary Meeting on 13 August 2008, the Council of the EU requested “to coordinate European assistance and to encourage pooling arrangements designed to enhance its effectiveness.”⁷⁶⁷ During the 2008 crisis, common assistance with joint resources implied the EU’s decision to deploy a civilian peacekeeping mission under the CFSP that was to be “conducted in the context of a situation which may deteriorate.”⁷⁶⁸ In its Communication to the Council, the Commission accentuated the importance of intergovernmental and institutional unity:

[I]t is in the EU’s interest to engage with Russia in renewed efforts for the resolution of conflicts in our common neighbourhood. This requires the will and the capacity of the EU to act as one, combining both Community instruments as well as those of CFSP/ESDP.⁷⁶⁹

The EU’s communication should be read as an encouragement for a common assertive engagement for halting hostilities and setting the pace for negotiations. Despite the declared common position, the EU has difficulty in adopting a shared perspective on Russia. In Grevi’s judgment, in the face of the differing stances towards Russia, the Union has struggled to speak with a single voice – the new member states, the Baltic countries and Eastern and Central European states took a proactive stance towards EU intervention, whereas France and Germany favoured a discreet approach.⁷⁷⁰ When confronted by the crisis, they chose to preserve functional relations with Russia rather than make their policy with Russia subject to disagreements over Georgia. A representative from the government office in Georgia also referred to limited political unity among the old and new members in relation to the EU’s involvement.⁷⁷¹ Eventually, the EU supranational bodies agreed on the need for Europe’s diplomacy but, owing to the clear difference in national positions regarding intervention, the member states remained cautious to intervene in the conflict.

Motivated by economic geographically and historically defined security concerns and wary about political repercussions, the leaders of the Eastern European and the Baltic states explicitly supported Georgia. During their visit to Tbilisi on 12 August 2008, the presidents of Lithuania, Estonia, and Poland, the Prime Minister of Latvia, and the President of Ukraine “reaffirm[ed] their

⁷⁶⁶ Report on the Implementation of the ESS, 2.

⁷⁶⁷ Council of the European Union, Extraordinary Meeting, General Affairs and External Relation, 13 August 2008, 12453/08 Presse 236, Brussels, Accessed 20-02-10, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/102338.pdf, 7.

⁷⁶⁸ Council of the European Union, Council Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia, *Official Journal of the European Communities* L 248 2008, Accessed 4-01-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:248:0026:0031:EN:PDF>, 26.

⁷⁶⁹ Commission of the European Communities, Communication from the Commission to the Council, Review of EU-Russia Relations, SEC (2008) 2786, Brussels, 2008, Accessed 29-11-12, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0740:FIN:EN:HTML>.

⁷⁷⁰ Grevi, “Pioneering Foreign Policy,” 56.

⁷⁷¹ Interview 6.

commitment to sovereignty, independence and territorial integrity of Georgia.”⁷⁷² Most importantly, ten post-communist countries advocated a tangible approach to Russia even though their energy dependency on Russia was higher than that of the old members. As MacFarlane notes, Western leaders evoked the Soviet interventions in Eastern Europe and warned of the implications of Russia’s behaviour in their external relations.⁷⁷³ The old member states, France, Germany, Italy, and the UK were divided over how to deal with Russia.⁷⁷⁴ The author continues that the EU was unable to achieve consensus on a strong response because of the dependence of major member states of the EU on Russian energy exports.⁷⁷⁵ The EU decision to get involved in the crisis was not a result of a collective opinion of the member states on the urgency of the problem. Instead, it was largely determined by the initiative of the French presidency. In addition to the commitment from France, the Chancellor of the Federal Republic of Germany, Angela Merkel, conducted separate negotiations about a ceasefire with Moscow and Tbilisi. On 15 August 2008, Chancellor Merkel and President Medvedev met in Sochi and Chancellor Merkel thereafter visited Tbilisi.

The study for this dissertation of the records from the parliamentary hearings on 12 August, regarding the situation and its consequences for Germany and the EU, reveals that the Bundestag of the Federal Republic of Germany refrained, at least for the time being, from participating in the EUMM. The German position was that the parties needed to meet the terms of the agreement under the Security Council mandate and that the OSCE mission could observe the agreement later, suggesting that Germany’s participation in an EU peacekeeping was premature.⁷⁷⁶ Some states from the group of the old members of the EU took a strong position about their engagement. The firmer stance of the UK distinguished it from the other old members of the EU.

The UK’s political support of Georgia was fairly decisive in the common European action. As the Georgian ambassador to the UK said in 2009, the UK’s position was characterised by strong bilateral relations with Georgia.⁷⁷⁷ Similarly, as a UK FCO foreign policymaker comments, “the UK has kept a close bilateral relationship over two decades with Georgia and has maintained a

⁷⁷² Delegation of Ukraine to the OSCE, “Statement on the Situation in Georgia,” 726th Special Meeting of the Permanent Council, PC.DEL/706/08, 14 August 2008, Vienna: OSCE, Accessed 11-01-14, <http://www.osce.org/pc/33117>.

⁷⁷³ S. Neil MacFarlane, “The Crisis in Georgia,” Strategic Datalink, Toronto: Canadian International Council 3 (2008): 1.

⁷⁷⁴ Deutscher Bundestag, Stenografischer Bericht 175, Plenarprotokoll 16/175, 17 September 2008, Sitzung, Berlin, Accessed 14-01-14, <http://dip21.bundestag.de/dip21/btp/16/16175.pdf>, (in German).

⁷⁷⁵ MacFarlane, “The Crisis in Georgia,” 4.

⁷⁷⁶ Deutscher Bundestag, “Polenz Bezweifelt, da Russland einer UN-Friedenstruppe Zustimmt,” Das Parlament Interview, Pressemitteilung, 25-08-08, Berlin: Deutscher Bundestag, Accessed 23-11-13, http://www.pressrelations.de/new/standard/result_main.cfm?pfach=1&n_firmanr_=109484&sektor=pm&detail=1&r=335799&sid=&aktion=jour_pm&quelle=0, (in German).

⁷⁷⁷ Interview 1.

consistent approach towards the conflict.”⁷⁷⁸ On 9 August the UK Secretary of State for Foreign and Commonwealth Affairs, David Miliband, strongly supported a swift resolution to the conflict with the mediation of the EU, the UN, and the OSCE,⁷⁷⁹ and, during his visit to Tbilisi on 19 August, the Secretary adopted a clearer stance by demanding Russia’s “immediate withdrawal” from Georgia.⁷⁸⁰ The visit of the Secretary Miliband was preceded by the visit at that time the leader of the Conservative Party, David Cameron, who called for the UK and the Western powers to take an assertive position in support of Georgia. To reaffirm its support, the visits of the UK Shadow Foreign Secretary, William Hague, and Brian Fall, the UK’s Special Representative for South Caucasus, also followed at the end of 2008.⁷⁸¹ The record of the British parliamentary debates shows that the House of Commons agreed with the Cabinet Office. As the European Union Committee at the House of Commons concluded:

We agree with the overall policy of the Government and the European Union that it is important to remain engaged with Russia but, ... engagement must be hard-headed, pragmatic and unsentimental.⁷⁸²

The Defence Committee of the UK Parliament expressed a similar stance: “The Government should adopt a hard-headed approach to engagement with Russia, based on the reality of Russia’s foreign policy.”⁷⁸³ The EU Committee similarly assessed the EU’s negotiated agreements as “substantial but incomplete.”⁷⁸⁴ As a member of the UK Parliament observed, Britain and other European allies have an important role in resolving the conflict in Georgia.⁷⁸⁵ Denis MacShane argued in a newspaper article that, although David Cameron had defied traditional diplomacy and shown support of the country by going to Georgia during the war, the UK should make it even clearer that the annexation of Georgia is not acceptable.⁷⁸⁶ In policy circles, the UK’s position has not been seen as an immediate sign for the genuine engineering of a policy to back the South Caucasus.⁷⁸⁷

⁷⁷⁸ Interview 33.

⁷⁷⁹ Foreign and Commonwealth Office, “Foreign Secretary Deplores Continued Fighting in Georgia: Foreign Secretary David Miliband Has Made a Statement Deploring the Escalating Violence in Georgia,” 9 August 2008, London: FCO, Accessed 8-03-10, <http://www.fco.gov.uk/en/news/latest-news/?view=PressR&id=7509040>.

⁷⁸⁰ Foreign and Commonwealth Office, “Miliband Demands Russian Retreat,” 18 August 2008, London: FCO, Accessed 1-03-10, <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=5734989>.

⁷⁸¹ Interview 34.

⁷⁸² Parliament of the United Kingdom of Great Britain and Northern Ireland, “After Georgia – The EU and Russia,” Follow-Up Report, European Union Committee, House of Commons, 2008, Accessed 8-03-10, <http://www.publications.parliament.uk/pa/ld200809/ldselect/ldcom/26/2604.htm#a3>, Cht. 1(80).

⁷⁸³ Parliament of the United Kingdom of Great Britain and Northern Ireland, “Russia: A New Confrontation?” Parliamentary Committee, Defence Committee, House of Commons, Session 10 2008-09, Accessed 14-01-14, <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmdfence/276/27612.htm>, 41.

⁷⁸⁴ Parliament of the UK, “After Georgia – The EU and Russia,” Follow-Up Report, Cht. 1(17).

⁷⁸⁵ Interview 37.

⁷⁸⁶ Denis MacShane, “Don’t Let Georgia down, Cameron: On the Second Anniversary of the Russia-Georgia War, the UK Should Follow the US Lead and Support Georgian Sovereignty,” Guardian News and Media, 2010, Accessed 13-11-14, <http://www.theguardian.com/commentisfree/2010/aug/07/david-cameron-georgia-sovereignty-russia>.

⁷⁸⁷ Interview 25.

The positions of Germany and the UK were important because of their capacity for quick contributions to the ESDP missions. Whilst the German Bundestag exercises a strong oversight over military ESDP/CSDP deployments abroad, no parliamentary consent is required for the deployment of the unarmed missions.⁷⁸⁸ Similarly, the UK Parliament does not exert power of approval of the UK's contribution and has a minor legislative scrutiny over the CFSP missions. The Senate of the Republic at Parliament of Italy showed its support by approving a Decree Law from 22 September 2008 on the participation of Italy in the EUMM, contributing 40 observers to the mission.⁷⁸⁹ Italy was the second largest contributor of observers and resources after France.⁷⁹⁰ Silvio Berlusconi, Prime Minister of Italian Republic, in 2010 took credit for playing a fundamental role in ending the crisis in Georgia.⁷⁹¹ After 20 member states pledged their contribution to the EUMM, Germany made an input of 40 to the total number of 200 observers.⁷⁹² The stance of Germany and the UK shows the divergences between the member states. Although the member states agreed on common values, their degree of support clearly differed.

Despite these observable differences, officials from the Commission, the Council, and the Parliament unanimously confirm that, although policy towards Russia is an area where the EU is very often divided, in this particular case, there was unanimity for the EU's action – first to bring the armed conflict to end and then to send a mission.⁷⁹³ As a Commission official said: “There was a surprising degree of unity in fact and there was unanimous backing from the presidency for the missions.”⁷⁹⁴ The European Parliament has supported stronger involvement in Georgia and encouraged the Council to take more assertive action. The Parliament generally advances the need to define common security interests, which would take the member states beyond national security interests and make the EU's common policy more consistent.⁷⁹⁵ As the MEP comments on the Parliament's stance to reform the EUFP, in order for the EU to react to external crises more

⁷⁸⁸ European Parliament, “Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels, Policy Department External Policies,” Study EP/EXPOL/B/2006/38, Brussels, 2007, Accessed 11-01-14, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/pe348610_PE348610_en.pdf, 33.

⁷⁸⁹ Parlamento Italiano, Atto Camera 1802, Disegno di legge S. 1038, Camera Dei Deputati, Parlamento Italiano: Rome, 2008, Accessed 25-04-10, <http://nuovo.camera.it/126?pd1=1802>, (in Italian).

⁷⁹⁰ Parlamento Italiano, Resoconti dell'Assemblea, Camera Dei Deputati, Parlamento Italiano: Rome, 2008, Accessed 25-04-10, <http://nuovo.camera.it/412?idSeduta=0083&resoconto=stenografico&indice=cronologico&tit=00090&fase=#sed0083.stenografico.tit00090.sub00010>, (in Italian).

⁷⁹¹ Jeffrey Donovan, “Berlusconi Takes Credit for Wall Street Bailout, Ending Russia-Georgia War,” New York: Bloomberg, 2010, Accessed 14-11-14, <http://www.bloomberg.com/news/2010-09-30/berlusconi-takes-credit-for-wall-street-bailout-ending-russia-georgia-war.html>.

⁷⁹² Deutscher Bundestag, “Erler: 200 Beobachter und 500 Millionen Euro nach Georgien,” 16 September 2008, Berlin, Accessed 25-04-10, http://www.bundestag.de/presse/hib/2008_09/2008_249/01.html, (in German).

⁷⁹³ Interview 10; Interview 13; Interview 8.

⁷⁹⁴ Interview 10.

⁷⁹⁵ European Parliament, Resolution on the European Security Strategy and ESDP, 2008/2202, 19 February 2009, Strasbourg, Accessed 5-01-13, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2009-0075+0+DOC+PDF+V0//EN>, 2.

effectively: “If we maintain intergovernmental division, it would be difficult to maintain action.”⁷⁹⁶ Referring to inter-parliamentary division, the South Caucasus Delegation of the European Parliament commissioned to join negotiations in Tbilisi stated: “EU is now a major partner in the Georgian peace process and will have to follow up to make it work. This needs the European Member States to stand together.”⁷⁹⁷ MEPs advocated employing economic and social sanctions, such as opposing Russia’s entry into the World Trade Organization (WTO). More specifically, during the Parliamentary debate on 1 September 2008, MEP Graham Watson (ALDE UK) suggested that one tangible response to Russia might be a boycott of the 2014 Winter Olympics in Sochi.⁷⁹⁸ Ruprecht Polenz (CDU), who chaired a Foreign Affairs Committee meeting at the Bundestag on 14 August, stated that proposals for a soft approach were not communicated by the Eastern members.⁷⁹⁹ At that point, as a foreign policy practitioner in Brussels recalls, in an effort to influence the behaviour of Russia, negotiations on renewing the partnership agreement with Russia, that had begun at the June 2008 Summit between EU and Russia, were suspended.⁸⁰⁰ In addition, on 27 August, the G7 countries issued a joint statement condemning the recognition of Abkhazia and South Ossetia.⁸⁰¹ Despite the original stance, talks with Russia resumed at the 22nd EU-Russia Summit in Nice in November 2008. After the crisis, the Parliament announced that the EU took concerted action with regard to both mediating the agreement and deploying the mission, which showed the EU’s capacity for a common European approach.⁸⁰² Ultimately, the EU did reach a common position that brought the conflict to an end.

The significance of the negotiation during the conflict was that it showcased disagreement among the member states over their engagement and deployment of the EUMM. This topic is evaluated in the next subchapter. The transposition of realist and liberal intergovernmentalist arguments onto EU foreign policy makes it evident that, although supranational values are important for common policy, it is the preferences and interests, that define the behaviour of the EU member states.

⁷⁹⁶ Interview 8.

⁷⁹⁷ European Parliament, Report from the Chair Mrs Marie Anne Isler Béguin, Ad Hoc Delegation to Georgia, 19-08-2008, 2008, Brussels, Accessed 12-02-10, <http://www.europarl.europa.eu/document/activities/cont/200809/20080903ATT36101/20080903ATT36101EN.pdf>, 5.

⁷⁹⁸ European Parliament, “MEP’s Debate the Situation in Georgia,” Press Release – External Relations, 1 September 2008, Accessed 01-09-08, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+IM-PRESS+20080829IPR35626+0+DOC+PDF+V0//EN&language=EN>.

⁷⁹⁹ Deutscher Bundestag, Pressemitteilung, 25-08-08.

⁸⁰⁰ Interview 13.

⁸⁰¹ Foreign and Commonwealth Office, “Georgia: G7 Joint Statement, Statement on Georgia of Foreign Ministers of Canada, France, Germany, Italy, Japan, the United States and the United Kingdom,” London: FCO, Accessed 28-02-10, <http://www.fco.gov.uk/en/news/latest-news/?view=PressR&id=5603596>.

⁸⁰² European Parliament, European Parliament Resolution of 19 February 2009 on the European Security Strategy and ESDP, 6.

5.3. European Union Monitoring Mission in Georgia

The EUMM is regarded as the fastest deployed peacekeeping mission in the history of European foreign and security policy. Although the EU member states managed to pool resources in a joint policymaking action, an unarmed civilian mission reached Georgia a month after hostilities stopped. The search for consensus prolonged the deployment of the EUMM. In contrast to the prevalent view,⁸⁰³ this subchapter identifies the disunited positions of the states in relation to their presence in Georgia. During the debate over deployment, divergence in opinions among the states influenced the decision about their engagement. The absence of criteria by which the mission's success can be measured, other than the terms of operation defined in the EUMM mandate, makes it arbitrary to evaluate the mission's achievements. The study shows that insufficient security capabilities and the weak mandate have limited the EU's conflict resolution.

The EUMM required a strong crisis management system entailing economic, military and human capabilities. Richard Whitman and Stefan Wolff indicate three types of capabilities necessary for a third party conflict involvement: policy tools and their timely deployment, funding and coordination.⁸⁰⁴ The EU has a limited budget to send new missions and this budget is complicated by the system of contributions from the member states.⁸⁰⁵ Between two streams of security capabilities, the CSDP proper entails civilian missions (police, civilian administration), whereas military operations are predominantly supported by individual states. The deployment of the EUMM provided a test for the EU's security capabilities as member states had differing priorities.⁸⁰⁶ As noted by a Commission official, the EU avoided confrontation with Russia by any conceivable means and, in order to halt escalation, it mostly resorted to negotiations.⁸⁰⁷ The policy maker at the Council confirmed that the EU did not want to engage in military controversy with Russia and a civilian mission was better suited for the tasks of normalization and stabilisation.⁸⁰⁸ Deployment of a military mission was excluded as it would not receive access to Abkhazia and South Ossetia, although, at the present time, the civilian mission does not have such access either, at some point, access for the civilian mission is not excluded, but the military mission would be very

⁸⁰³ Maria Raquel Freire and Lúcia Simão, "The EU's Security Actorness: The Case of EUMM in Georgia," *European Security* 22 (2013): 464-77; Gwendolyn Sasse, "The European Neighbourhood Policy and Conflict Management: A Comparison of Moldova and the Caucasus," *Ethnopolitics* 8 (2009): 369-86.

⁸⁰⁴ Whitman and Wolff, "The Limits of EU Conflict Management," 99.

⁸⁰⁵ Popescu, *Europe's Unrecognised Neighbours*, 7.

⁸⁰⁶ Richard Lewington, "Keeping the Peace in the South Caucasus: The EU Monitoring Mission in Georgia," *Asian Affairs* 44 (2013): 51-69.

⁸⁰⁷ Interview 12.

⁸⁰⁸ Interview 13.

unlikely to access the secessionist entities.⁸⁰⁹ In contrast to the EUMM, the EUSR does currently have access to both Abkhazia and South Ossetia.

After intense deliberations, the EU member states decided to deploy an EU civilian monitoring mission in Georgia. Following an exploratory mission, 200 monitors were sent from 22 states, starting on 15 September 2008.⁸¹⁰ The Concept of Operations (CONOPS) envisaged a smaller deployment but the number of the contributing states increased to 26 in 2009 and remained 24 in 2015.⁸¹¹ In addition, seven Crisis Response Team (CRT) personnel were dispatched to Georgia. The EUMM reached the ground two months after the conflict broke out and started to operate in October 2008.⁸¹² The EUSR for the Crisis stressed that EU involvement was not a “snapshot operation,” instead, it exemplified the EU’s capacity to mobilise in an uncharacteristically quick manner, whereas the involvement of the UN in the overall conflict, in comparison, would imply a gradual political exercise which would take time to put in place.⁸¹³ In this case, the EU reached an essential outcome: the deployment of 220 mission observers in three weeks’ time, convening an International Donors Conference in Brussels, the establishment of Geneva discussions in a month, and, as a first result in Geneva, the formation of incident prevention and response mechanism groups.⁸¹⁴ The Commission sums this up as a “unique commitment” made by the EU during the crisis.⁸¹⁵ At present, with the UNOMIG and the OSCE missions suspended, the EUMM is the only international monitoring mission in Georgia.

Two constraints to the EUMM, namely the narrow mandate and the limit of action, have conditioned the EU post-agreement implementation. The EUMM mandate entails four components: stabilisation, normalisation, confidence building, and informing the European policy.⁸¹⁶ From the outset, the EUMM has not had the executive power to monitor and report on stabilisation and normalisation. Second, the EUMM has been denied access to the territories held *ante bellum*, as the patrolling capacity of the EUMM in South Ossetia stretches only 130 km along the ABL between Tbilisi Administered Territory (TAT) and Abkhazia and South Ossetia, whereas the UNOMIG and

⁸⁰⁹ Ibid.

⁸¹⁰ Council Joint Action 2008/736/CFSP; European Union Monitoring Mission in Georgia, Mission Facts and Figures, 2015, Accessed 05-01-15, http://www.eumm.eu/en/about_eumm/facts_and_figures.

⁸¹¹ Merlingen and Ostrauskaitė, “EU Peacebuilding in Georgia,” 287.

⁸¹² Council of the European Union, Council Joint Action 2009/572/CFSP on Amending and Extending Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia, *Official Journal of the European Communities* L 197 2009, Accessed 4-01-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:197:0110:0110:EN:PDF>.

⁸¹³ Interview 14.

⁸¹⁴ Ibid.

⁸¹⁵ Interview 11.

⁸¹⁶ Council Joint Action 2008/736/CFSP, 27.

the CSCE/OSCE were meant to work on both sides.⁸¹⁷ Thus, the mandate and the lack of access precludes the EUMM from carrying out its full tasks.⁸¹⁸ On this restriction, the Russian and South Ossetian authorities require that the EU negotiates entry with the South Ossetian authorities. An observer deployed with the EUMM found that the language barrier and security considerations obstructed contact between observers and the people on the ground.⁸¹⁹ Beyond these limitations, compared to the UNOMIG and the CSCE/OSCE, the EUMM has a more complex task in front of it. Given its size, the EUMM is expected to dismiss the Russian allegations about the Georgian forces concentrating at the boundaries of two autonomies. The Georgian side therefore keeps underlining with the European partners the need to sustain the mission.⁸²⁰ Together with its *raison d'être* for the mission, the EU prolonged the mission's mandates, doubling the budgetary support from EUR 31,000,000 to EUR 53,600,000 between 2008 and 2009.⁸²¹ Although this growth mirrors support from the Council, the official from the SG/HR office in 2009 stressed that conflict resolution depends largely on the domestic situation in the country rather than on the EU's support.⁸²² The importance of the EUMM presence is regularly underscored at the Geneva talks, which are elaborated in the next subchapter.

The EU is united around its common values and its member states pool national resources for joint policymaking, but they often do not share similar views about engagement in their neighbourhood. The case of the EUMM reveals the member states' difficulty in finding consensus, but it also vividly illustrates the paradox of EU foreign policy that the EU can be both an agent with divergent national interests and a unitary actor in external relations. The hesitation over confronting Russia outweighs EU's incentives to practice a more functional policy. Given the nature of its security capabilities and the mandate, the EUMM has been unable to build confidence along divided lines.

5.4. The Geneva Process

While EU mediation facilitated conflict stabilisation in 2008, it has subsequently been unable to resolve the conflict in the course of the Geneva International Discussions (GID). 31 rounds of

⁸¹⁷ Interview 6.

⁸¹⁸ Interview 2.

⁸¹⁹ Interview 30.

⁸²⁰ Interview 1.

⁸²¹ Council Joint Action 2008/736/CFSP, 30; Council of the European Union, Council Joint Action 2008/759/CFSP on Amending Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia, *Official Journal of the European Communities* L 259 2008. Accessed 4-01-13, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:259:0015:0015:EN:PDF>, 15; Council Joint Action 2009/572/CFSP, 110.

⁸²² Interview 15.

Geneva talks, in which the EU continued to be engaged as a mediator, found little tangible progress. Having examined the deployment and limitations of the EUMM in the previous subchapter, this part takes stock of the GID and evaluates the second phase of EU's mediation following the sixth point of the peace agreement on security in Abkhazia and South Ossetia.

The Geneva Process, as a peace mechanism to negotiate security and stability in Abkhazia and South Ossetia, represents the new international format. The GID was established as a consequence of the peace agreement of 12 August 2008 and the implementing measures of 8 September 2008. Building on the sixth point of the August agreement, referring international negotiations on security and stability arrangements in Abkhazia and South Ossetia, the talks started in October 2008. This is the first format in which the common features of both the Georgian-Abkhaz and Georgian-South Ossetian conflicts are addressed. A month after hostilities, the Council appointed the EUSR for the Crisis to take the lead in the GID that brings all parties to conflicts with the participation of Georgia, Russia and the US, as well as Abkhazia and South Ossetia, and under the co-chairmanship of the EU, the UN, and the OSCE.⁸²³ All three intergovernmental actors are meant to reinforce each other to help the conflicting parties reach a compromise through discussions at the working groups, plenary meetings and consultations.

Although the EU showed a readiness to create a dialogue, the GID revealed three major limitations. First, following the EU non-recognition policy, the EUSR inevitably had a predetermined position about the status of Abkhazia and South Ossetia that inherently limited its neutrality when representing the Council.⁸²⁴ Second, the divergent preferences of the conflicting parties exceeded the EU's already constrained leverage, limiting the outcome of negotiations. The third reason that diminished the EU's impact was the lack of commitment from the EU to address the political aspect of the conflict. The first round of GID reflected differences in political interests among the parties, which were predicated on status issue rather than on reconciliation. At the GID the Georgian Government tried to internationalise the conflict, and conversely, the two breakaway entities sought to legitimise their sovereign status. The second round established two working groups (WGs): WG 1 responsible for modalities of security and stability, and WG 2 on IDPs and refugees. The PACE assessed that the WG 1 made modest progress.⁸²⁵ The fourth round of the talks carried out in

⁸²³ Council of the European Union, Council Joint Action 2008/760/CFSP on Appointing the EU Special Representative for the Crisis in Georgia, *Official Journal of the European Communities* L 259 2008, Accessed 5-01-14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:259:0016:0018:EN:PDF>.

⁸²⁴ Merlingen and Ostrauskaitė, "EU Peacebuilding in Georgia," 289.

⁸²⁵ Parliamentary Assembly of the Council of Europe, Resolution 1683 (2009), Resolution on the War between Georgia and Russia: One Year After, Strasbourg: PACE, Accessed 5-09-12, <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=17774&Language=EN>.

February 2009 introduced two parallel mechanisms of joint Incident Prevention and Response (IPRM) between Georgia and Abkhazia, with the participation of the EUMM. In the fifth round, it was agreed to form an OSCE-led joint assessment team to address disruptions in the infrastructure, but forming such group was inhibited by the closure of the OSCE. The Geneva talks were underway, but still the member states could not reach consensus with Russia over prolonging the mandate for the OSCE mission, which monitored South Ossetia for 17 years and was suspended in December 2008.⁸²⁶ Similarly, in June 2009, Russia vetoed a Security Council resolution to renew the mandate of the UNOMIG that had operated in Abkhazia for 15 years.⁸²⁷ The conflict entities therefore lost their international presence. The UN remained engaged only in development-related activities through the UNDP and the election observation through the Office for Democratic Institutions and Human Rights (ODIHR).⁸²⁸ The sixth meeting, in July 2009, exchanged proposals on the non-use of force and the two consecutive meetings in the same year addressed humanitarian issues. The ninth and tenth rounds, in January and April 2010, reiterated the gradual approach. After the eleventh round, in June 2010, the Abkhaz delegation temporarily sabotaged the talks.

During the rounds held between 2010 and 2013, the limited political dimension of the EU's engagement has re-established the *status quo* in Abkhazia and South Ossetia, which are now recognised as independent states by Russia. As the President of Georgia explained in his conversation with the author in 2010, the Geneva discussions went into a stalemate.⁸²⁹ The EUSR for the Crisis was convinced in 2009 that, despite the recognition, the dialogue on Georgia's conflict regions was instrumental and had to continue.⁸³⁰ In his assessment, the GID has been an "ongoing political process."⁸³¹ During the 24th round, in June 2013, the construction of fences along the ABL lines began in Abkhazia and South Ossetia.⁸³² The EU's Political and Security Committee (PSC) expressed "deep concern about the putting up ... physical obstacles to the freedom of movement."⁸³³ As an expert on the EU-Russia relations said, the EU needs to be more

⁸²⁶ Organization for Security and Co-operation in Europe, "OSCE Chairman Regrets Disagreement on OSCE Future in Georgia," Press Release, 2009, Accessed 2-01-12, <http://www.osce.org/cio/50525>.

⁸²⁷ United Nations Security Council, "Security Council Fails to Adopt Resolution Extending Mandate of Georgia Mission for 2 Weeks, as Russian Federation Votes against Text," Press Release SC/9681, 19 June 2009, Accessed 1-12-12, <http://www.un.org/News/Press/docs/2009/sc9681.doc.htm>.

⁸²⁸ Robert E. Hamilton, "Georgia – Why We Should Be Watching, Commentary," Washington: Center for Strategic and International Studies, 2009, Accessed 27-10-09, http://csis.org/files/publication/090619_Hamilton_Georgia.pdf, 1.

⁸²⁹ Interview 2.

⁸³⁰ Interview 14.

⁸³¹ Ibid.

⁸³² European Union Monitoring Mission in Georgia, Press Communiqué of the Co-Chairs of Geneva Discussions, 26.06.2013, Press and Public Information Section, Tbilisi, 2013, Accessed 18-10-13, http://eumm.eu/en/press_and_public_information/press_releases/3896/.

⁸³³ Ministry of Foreign Affairs of Georgia, "Information on the Meetings Held during the Visit to Georgia of a Delegation of Ambassadors of the European Union's Political and Security Committee," 30.09.2013, Press and Information Department, MFA: Tbilisi, 2013, Accessed 18-10-13, http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=464&info_id=16705.

self-confident about its neighbourhood policy and to be able to conduct a decisive policy with strategic patience.⁸³⁴ By 2014, the pre-conflict *status quo ante* in South Ossetia and Abkhazia had not been restored.

Analysis of the Georgian President's speeches between 2007-2013 reveal the expectations of solving conflicts through the EU. As the President Saakashvili stated: "[W]e will never forget the role the European Union played in obtaining the ceasefire, but we also hope that the European Union will never forget that the Ceasefire Agreement has never been implemented."⁸³⁵ In the EU's statements, besides the reiteration of support for the sovereignty and territorial integrity of Georgia, prevailed the importance of values, reforms, legislative alignment, and relations in the scope of the EaP. President Van Rompuy's response to President Saakashvili carries such normative emphasis: "Our expectation is that the process of consolidating democratic institutions should continue."⁸³⁶ In this period, Russia signed strategic partnerships and integration agreements with Abkhazia and South Ossetia, the conclusion of the latter coinciding with the 30th round of Geneva talks. By March 2015, the recurrent talks reached their 31st round without any tangible outcome towards a negotiated settlement. Despite profound obstacles and the limitations of the EU's ability to become more influential in conflict mediation, keeping the format of negotiations is an achievement in itself and retains scope for progress.

This chapter has offered an empirical analysis of the EU's involvement after the Georgia-Russia conflict in 2008. The EU exhibited an uneven attitude to prevent the conflict and a hesitant approach to security conditions in Georgia. Some old member states felt that the EU was not the best-positioned actor to intervene. The new members, in contrast perceived that this crisis posed a challenge to their security. Ultimately, the difference that the EU made in addressing conflicts in Georgia since 2003 was that the EU acted as a mediator by seeking a peace agreement, appointing the EUSR, sending the EU peacekeeping mission, and initiating the GID. This subchapter has adopted reasonable criteria and examined the overall consequences following on from the EU's exertion of its mediation influence. This analysis supports the chapter's central contention that the widespread idea of the EU's achievements, even if ultimately the member states agreed and contributed to deployment, is not justified by the existing empirical evidence. Although those

⁸³⁴ Interview 19.

⁸³⁵ Administration of the President of Georgia, "Mikheil Saakashvili Met with European Council President in Brussels," Press Release, 18.11.2010, Tbilisi, 2010, Accessed 19-11-10, http://www.president.gov.ge/index.php?lang_id=ENG&sec_id=226&info_id=5831.

⁸³⁶ European Council, "Remarks by Herman Van Rompuy, President of the European Council, Following His Meeting with Mikheil Saakashvili, President of Georgia," Press PCE 267/10, Brussels, 2010, Accessed 19-11-10, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/117815.pdf, 1.

actions illustrate a common foreign policy, the EU conflict resolution policy as a whole has not been coherent. The EU was unable to influence the peace process, given the prevalent interests of the member states, which can be explained by the realist and liberal intergovernmentalist perspectives.⁸³⁷ The new political realities have important implications for stability of EU's neighbourhood.

⁸³⁷ Hyde-Price, "A 'Tragic Actor'?" Hyde-Price, "European Security," Moravcsik, *The Choice for Europe*.

Chapter 6. Conclusion

This thesis has examined the nature of EU foreign policy towards the South Caucasus. By studying two aspects of EU policy in Georgia – conflict resolution and transport policy – the author's own view is that the EU is incoherent in its conflict resolution but coherent in transport cooperation. The thesis has argued that the EU achieved coherence in transport cooperation with legislative alignment, creating common area, technical assistance for transit development, and coercive measures. The causal factors for incoherence in conflict resolution was different preferences of the old and new member states following their historical experience with Russia, and their inability to share foreign policy competencies that rests in institutional framework of the CFSP. The contribution that the thesis has offered is the study of EU foreign policy in transport as applied to the South Caucasus.

The EU has pursued an approximation policy in transport towards the South Caucasus that has been largely absent from the literature on the EU external governance in sectoral areas, such as transport. Although, as chapter 2 reviewed, several articles mention EU external rule transfer,⁸³⁸ the literature, as a whole, is divided into three topics: a) CTP policy within the EU,⁸³⁹ b) EU foreign policy towards its eastern neighbourhood,⁸⁴⁰ and c) security in the South Caucasus.⁸⁴¹ The study of EU foreign policy regarding transport in the South Caucasus has attempted to bridge these three topics.

EU's foreign policy towards the South Caucasus can be divided into three periods: 1) 1992-2004, when the EU opened its delegations in Armenia, Azerbaijan and Georgia, initiated TRACECA and concluded PCAs; 2) 2004-2008, when the EU included the region in the ENP; 3) 2008-2014, when the EU devised the EaP, mediated in 2008 and signed the AA with Georgia. Despite its aim for "improving coherence"⁸⁴² across these three phases, the post-Lisbon CFSP implementation has been characterised by limitations of the EU member states to share competencies in foreign policy regarding key security developments in their neighbourhood. This thesis, therefore, has suggested

⁸³⁸ Schimmelfennig and Sedelmeier, "Governance by Conditionality: EU Rule Transfer;" Lavenex and Schimmelfennig, "EU Rules beyond EU Borders."

⁸³⁹ Hooghe and Marks, *Multilevel Governance*; Aspinwall, "Planes, Trains and Automobiles: Transport Governance in the European Union."

⁸⁴⁰ Whitman, and Wolff, *The European Union as a Global Conflict Manager*; Popescu, Leonard and Wilson, "Can the EU Win the Peace in Georgia;" Fischer, "European Policy towards the South Caucasus;" Cameron, "The Politics of EU-Russia Energy Relations."

⁸⁴¹ Cornell, "Autonomy as a Source of Conflict;" Jones, *Georgia: A Political History*; Asmus, *A Little War That Shook the World*.

⁸⁴² Treaty of Lisbon, Preamble.

that the EU, despite the importance of the South Caucasus as a transit region for cargo and energy from Central Asia to the European markets, tends not to commit to conflict resolution. Instead, the EU is coherent in its approximation in the sectoral area of transport and solidifies its presence in its eastern neighbourhood in institutional terms.

Most IR theories are unable to explain the nature of an entity that is not a state. Drawing on the definition of Ginsberg, the EU foreign policy is a strategy entailing the positions, relations and actions of the EU in *world* politics.⁸⁴³ EU foreign policy is based on the four approaches of normative, soft, civilian, and military power but, taken separately, these approaches cannot explain exactly Europe's form of power. Therefore, this thesis has combined these approaches.⁸⁴⁴ As Manners and Smith proposed, as a normative power, Europe bridges civilian and military power.⁸⁴⁵ The thesis has explained EU policy conduct through the application of the realist and liberal intergovernmentalist framework. Through this framework, Moravcsik, referred to earlier, identified different state preferences as a factor affecting major interstate negotiations within the EU.⁸⁴⁶ Hyde-Price emphasised that the national preferences of the major states determine the outcome of negotiations.⁸⁴⁷ The EU's incoherence in conflict resolution affirms the neoclassical realist and liberal intergovernmentalist orthodoxy that, despite shared values, EU policy is shaped by the divergent interests of major member states, motivated by their own preferences and experience with Russia. The combination of perspectives from these two theoretical layers is a way to build a bridge between the theory and practice of international relations.

The single-case approach was chosen to examine EU foreign policy towards the South Caucasus in its entity. Marked by a multiplicity of conflicts, this region is more prone to crisis than the rest of the EaP is and, therefore, the South Caucasus is the most representative case within the EU's neighbourhood, notwithstanding the recent Ukraine crises. This thesis has positioned the research question in the context of EU common foreign policy and contested the view that the EU acts with a common policy. Discourse analysis of EU declaratory statements has found that normative convergence and socialisation are also pursued on a discursive level. Drawing on the study of academic and policy literature, documents, expert interviews, and direct observation, this thesis has developed a new source of secondary literature. After presenting concluding remarks, this chapter indicates areas for further research into the EU's foreign policy.

⁸⁴³ Ginsberg, *The European Union in International Politics*.

⁸⁴⁴ Duchêne, "The European Community;" Manners, "Normative Power Europe: A Contradiction in Terms?" Nye, *Soft Power*; Merlingen, "Everything Is Dangerous: A Critique of 'Normative Power Europe'."

⁸⁴⁵ Manners, "The Normative Ethics of the European Union;" Smith, "Beyond the Civilian Power EU Debate."

⁸⁴⁶ Moravcsik, "Preferences and Power in the European Community;" Moravcsik, "Taking Preferences Seriously."

⁸⁴⁷ Hyde-Price, *European Security in the Twenty-First Century*.

6.1. Concluding Thoughts

Since the 1990s the EU has refrained from engaging in conflict resolution in the presence of the international actors of the UN and OSCE. As MacFarlane pointed out, given the European powers' lack of interest in the South Caucasus, there is no coherent EU policy strategy towards the region.⁸⁴⁸ In terms of Fawn, the EU's role in its eastern neighbourhood is also constrained.⁸⁴⁹ After determining the causes of the protracted conflicts in Abkhazia and South Ossetia, the thesis has examined Russian involvement in the region. Mediator bias is implied by the fact that Russia was a signatory of peace agreements. In the three phases of its foreign policy, Georgia had fluctuating relations with Russia (1991-1995), re-orientated its policy towards the West (1996-2003), and continued an intense European and Euro-Atlantic policy (2004-2013) that caused its political disconnection from Russia. The EU's external policy towards civil society in the South Caucasus leads to the same conclusion of incoherence regarding conflict resolution. On engagement without a recognition policies of both Georgia and the EU towards Abkhazia and South Ossetia, chapter 4 determined that, they have not focused on a substantial policy of engagement.

Having examined the terms of the peace agreement mediated by the EU in 2008, the mandate of the EUMM and the Geneva Process, this thesis contend that the EU was not influential in mediation. The key question of the EU's output in mediation has been assessed against the provisions of the agreement and the outcome of the GID.⁸⁵⁰ In the first phase of its mediation, albeit with divergent approaches among some old and new member states, the EU did play the distinct role of a principal mediator. However, the EU did not take an assertive position when clauses important for all parties were overridden. In addition, the EU has been unable to facilitate a compromise in the subsequent phase of mediation over the GID. The thesis thus argues that, irrespective the EU's role in the ceasefire, the EU has not been influential in mediation. The EU could not conduct a coherent conflict resolution policy due to dissenting voices on engagement within the EU member states.

By contrast, an analysis of EU policy in transport towards Georgia delivers a strong argument in favour of the EU's coherent policy towards the South Caucasus. As chapter 3 argues, the EU has been coherent in its transport with legislative alignment, creating common area, technical assistance, and coercive measures. In order to bring institutional reforms to domestic maritime transport policy in Georgia, the EU has used sanctions, notably the withdrawal of recognition of

⁸⁴⁸ MacFarlane, "Frozen Conflicts in the Former Soviet Union;" MacFarlane, "Georgia: National Security Concept."

⁸⁴⁹ Fawn, "Security in the South Caucasus;" Fawn, *International Organizations and Internal Conditionality*.

⁸⁵⁰ Le Président de la République, Protocole d'accord, 2008.

seafarers' certificates and their re-recognition as a reward for reforms. The existence of TRACECA shows a high level of coherence in transit cooperation between the EU and the South Caucasus.

6.1.1. Areas for Further Research

The EU conducts a coherent policy in the sectoral area of transport, that has not been the case in relation to its conflict resolution in the South Caucasus. The EU policy in transport and conflict resolution provides evidence that the nature of its common foreign policy towards the region has been inconsistent. There is both scholarly and social relevance for this research. With regard to social relevance, the thesis does not set out policy proposals for the EU and the South Caucasus countries, but it does advance knowledge into the identification of those areas in which EU policy solutions can be found. The recognition of the coherence of the EU's transport policy makes it possible to suggest that, by conducting a coherent policy regarding conflict resolution, the EU can build on its established position in the South Caucasus.

The examination of the particular conditions of the South Caucasus conflicts makes it clear that, although the EU helped formalise hostilities in Georgia, its engagement was *ad hoc* instead of being informed by a crisis preparedness. Looking beyond the South Caucasus, developments in Ukraine show that the EU has not engaged in other EaP countries with protracted conflicts using those foreign policy instruments at its disposal with greater determination. This thesis has come to the conclusion that whilst the EU transport cooperation has been coherent and conflict resolution incoherent, the nature of EU foreign policy towards the South Caucasus has been inconsistent.

Notes

1. In the Balkans the EU deployed the European Union Police Mission in Bosnia-Herzegovina (EUPM BiH) (2002), the European Union Force in Bosnia and Herzegovina (EUFOR Althea) (2004), the European Rule of Law Mission in Kosovo (EULEX) (2008), the European Union Force in the former Yugoslav Republic of Macedonia (EUFOR Concordia) (2003), the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL Proxima) (2003), and the European Union Police Advisory Team in the former Yugoslav Republic of Macedonia (EUPAT) (2005). In the EaP countries, the EU sent the Rule of Law Mission to Georgia (EUJUST Themis) (2004), the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) (2005), and the European Union Monitoring Mission in Georgia (EUMM) (2008). The EU was militarily involved in Southeast Asia through the European Union Monitoring Mission in Aceh (EU AMM) (2005). The EU engaged in the Middle East through the European Union Rule of Law Mission for Iraq (EUJUST LEX) (2005), the European Union Border Assistance Mission at Rafah Crossing Point (EUBAM RAFAH) (2005), the European Union Police Mission Coordinating Office for Palestinian Police Support (EUPOL COPPS) (2006), and the European Union Police Mission to Afghanistan (EUPOL Afghanistan) (2007). In Africa the EU sent the European Union Military Operation in the Democratic Republic of Congo (EU Artemis) (2003), the European Union Police Mission in Kinshasa (DRC) (EUPOL Kinshasa) (2004), the European Union Security Sector Reform Mission in the Democratic Republic of Congo (EUSEC DR Congo) (2005), the European Union Force in the Democratic Republic of Congo (EUFOR RD Congo) (2006), European Union Congo Police Mission (EUPOL RD Congo) (2007), the European Union support to African Union Mission in Sudan (EU AMIS) (2007), the European Union Aviation Security Mission (EUAVSEC) in South Sudan (2012), the European Union Military Bridging Operation in Chad and the Central African Republic (EUFOR Tchad/RCA) (2008), the European Union Mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau) (2008), the European Union Naval Force Somalia (EU NAVFOR Atalanta) (2008), European Union Training Mission in Somalia (EUTM Somalia) (2010), the European Union in Libya (EUFOR Libya) (2011), the European Union Border Assistance Mission in Libya (EUBAM Libya) (2013), the European Union Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean (EUCAP Nestor) (2012), European Union Training Mission in Mali (EUTM Mali) (2013), and the European Union Capacity Building Mission in Niger (EUCAP Sahel Niger) (2012). Cf: European External Action, Completed Missions and Operations, Ongoing Missions and Operations, Brussels: EEAS, 2014, Accessed 23-04-14, http://www.eeas.europa.eu/csdp/index_en.htm.

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Interviews⁸⁵¹

EU Institutions

1. Steven Everts

Personal Representative of the Secretary General/High Representative for CFSP Javier Solana for Energy and Foreign Policy
Council of the European Union
10 June 2009, Brussels

2. Pierre Morel

EU Special Representative for the Crisis in Georgia
EU Special Representative for Central Asia
Council of the European Union
29 June 2009, Amsterdam

3. Fredrik Wesslau

Political Advisor to the EU Special Representative for the South Caucasus
Council of the European Union
10 June 2009, Brussels

4. Peter Emerson

Director of the de Borda Institute
Observer, Irish Group, European Union Monitoring Mission in Georgia – EUMM
Council of the European Union
13 October 2010, Belfast

5. Thierry Béchet

Adviser – Analysis & Advice Regional Cooperation and Conflict Resolution
Directorate E for European Neighbourhood Policy, Relations with Eastern Europe, Southern Caucasus and Central Asia, Middle East and South Mediterranean DGA2
Directorate-General for External Relations (DG RELEX)
European Commission
10 June 2009, Brussels

6. Anonymous

Georgia Desk Officer at Unit E 2 for Eastern Europe, Southern Caucasus, Central Asian Republics
Directorate E for European Neighbourhood Policy, Relations with Eastern Europe, Southern Caucasus and Central Asia, Middle East and South Mediterranean DGA2
Directorate-General for External Relations (DG RELEX)
European Commission
N/A

⁸⁵¹ Interviews conducted between 2009-2014 are listed by primacy of actors in the EU foreign policy making starting with the EU institutions (Council, Commission, Parliament), EU member states, governments and transport authorities in Georgia, Azerbaijan and Armenia, TRACECA; proceeding with the UN IMO and energy industry, policy institutions in the EU member states, policy centres in the Caucasus, academia; and ending with conflict research community in Northern Ireland.

7. Michael Webb

Deputy Head of Unit E 1 for Relations with Russia and Northern Dimension Policy
Directorate E for European Neighbourhood Policy, Relations with Eastern Europe,
Southern Caucasus and Central Asia, Middle East and South Mediterranean DGA2
Directorate-General for External Relations (DG RELEX)
European Commission
10 June 2009, Brussels

8. Tomas Dupla Del Moral

Director of Directorate F for Middle East and South Mediterranean DGA2
Directorate-General for External Relations (DG RELEX)
European Commission
10 June 2009, Brussels

9. Philippe Burghelle-Vernet

Head of Unit E 1 International Transport Affairs
Directorate E Aviation and International Transport Affairs
Directorate-General for Mobility and Transport (DG MOVE)
European Commission
24 July 2013, Brussels

10. Kertu Kaera

Policy Officer at Unit E 1 International Transport Affairs
Directorate E Aviation and International Transport Affairs
Directorate-General for Mobility and Transport (DG MOVE)
European Commission
24 July 2013, Brussels

11. HE Marten Koopmans

Representative of the European Commission to the International Maritime Organization
European Commission Representation in the United Kingdom
25 February 2010, London

12. Martí Grau I Segú

Member of the European Parliament, Socialist Group
The EP Delegation to the EU-Armenia, EU-Azerbaijan, and EU-Georgia PCCs
European Parliament
11 June 2009, Amsterdam

EU Member States

13. Rt. Hon. Lord Wallace of Saltaire

Vice-Chair, All-Party Parliamentary Georgia Group
Government Whip and Spokesman on Cabinet Office and Foreign and Commonwealth Office
Parliament of the United Kingdom of Great Britain and Northern Ireland
Emeritus Professor, Central European University
25 October 2010, London

14. Tobias Ellwood, PM

Parliamentary Private Secretary to the Defence Secretary in 2010-2013
Parliamentary Under Secretary of State for the Foreign and Commonwealth Office

Parliament of the United Kingdom of Great Britain and Northern Ireland
25 October 2010, London

15. Craig Oliphant
Head of Eastern Research Group
Russia, South Caucasus and Central Asia Directorate
United Kingdom Foreign and Commonwealth Office
21 October 2010, London

16. Louise Savill
Head of the South Caucasus Team
Russia, South Caucasus and Central Asia Directorate
United Kingdom Foreign and Commonwealth Office
21 October 2010, London

17. Angus Miller
Caspian Energy Advisor
United Kingdom Foreign and Commonwealth Office
21 October 2010, London

18. HE Dr Péter Balázs
Minister of Foreign Affairs of Hungary in 2009-2010
Director, Center for EU Enlargement Studies, Central European University, Budapest
12 December 2013, Budapest

Governments, Transport Authorities in Georgia, Azerbaijan, and Armenia, TRACECA

19. President Mikheil Saakashvili
President of Georgia in 2004-2013
18 February 2010, London

20. HE Gela Charkviani
Chief Foreign Policy Adviser to the President of Georgia in 1992-2003
Ambassador Extraordinary and Plenipotentiary of Georgia to the
United Kingdom of Great Britain and Northern Ireland and Ireland
Permanent Representative of Georgia to the International Maritime Organization
8 January 2008, London

21. HE Giorgi Badridze
Ambassador Extraordinary and Plenipotentiary of Georgia to the
United Kingdom of Great Britain and Northern Ireland and Ireland
27 January 2010, London

22. HE Dr Natalie Sabanadze
Ambassador Extraordinary and Plenipotentiary of Georgia to the
Kingdom of Belgium and Grand Duchy of Luxembourg
Permanent Representative of Georgia to the European Union
12 August 2013, Tbilisi-Brussels

23. HE Shota Gvineria
Ambassador Extraordinary and Plenipotentiary of Georgia to the

Kingdom of the Netherlands
12 June 2011, The Hague

24. David Dondua
First Deputy Minister of Foreign Affairs of Georgia
Chief of Cabinet of the Chairman of the Parliament of Georgia in 2008-2012
25 November 2009, Riga

25. Natia Mikeladze
Deputy Minister of Economy and Sustainable Development of Georgia
Permanent Representative (National Secretary) of the PC IGC TRACECA in Georgia
5 June 2014, Tbilisi

26. Captain Mamuka Akhaladze
Director, LEPL Maritime Transport Agency
Ministry of Economy and Sustainable Development of Georgia
24 June 2014, Batumi, Georgia

27. Azer Aliyev
Head of Transport Policy and Economic Department
Ministry of Transport of Republic of Azerbaijan
15 August 2014, Baku

28. Akif Mustafayev
Permanent Representative (National Secretary) of the PC IGC TRACECA in Azerbaijan
4 July 2014, Baku

29. Gagik Grigoryan
Chief of Staff, Ministry of Transport and Communication of the Republic of Armenia
Permanent Representative (National Secretary) of the PC IGC TRACECA in Armenia
5 September 2014 Yerevan

30. Mushegh Tumasyan
Deputy Minister of Economy of the Republic of Armenia in 2008-2011
Principal negotiator on EU-Armenia DCFTA
Founding Chairman, Economic Development and Research Center – EDRC
5 September 2014, Yerevan

31. HE Malena Mård
Head of Delegation of the European Union to the Republic of Azerbaijan
4 July 2014, Baku

32. Dr Dirk Lorenz
Counsellor, Head of Political, Economic, and Press Section
Delegation of the European Union to Armenia
5 September 2014, Yerevan

33. Iuliana Stasiuc
Head of the Team of Experts of the PS IGC TRACECA
4 July 2014, Baku

UN IMO and Energy Industry

34. Ivaylo Valev

Head of CIS and Eastern Europe Section

Technical Co-operation Division

International Maritime Organization

15 January 2010, London

35. Patricia Charlebois

Head of Pollution Response Section

Marine Environment Division

International Maritime Organization

28 January 2010, London

36. José Maura Barandiaran

Director

IOPC Funds – International Oil Pollution Compensation Funds

8 July 2010, London

37. Dr Karen Purnell

Managing Director

ITOPF – International Tankers Owners Pollution Federation Ltd

20 July 2010, London

38. Peter Taylor

Manager of Caspian Sea-Black Sea-Central Eurasia

OSPRI – Oil Spill Preparedness Regional Initiative

IPIECA – International Petroleum Industry Environmental Conservation Association

21 July 2010, London

39. Roberto Pirani

Chairman of the Board, White Stream Consortium GUEU

White Stream Pipeline Company Ltd

2 July 2010, London

40. Vugar Allahverdiyev

Programme Associate

United Nations Development Programme – UNDP Azerbaijan

4 July 2014, Baku

Policy Institutions in the EU Member States

41. Adam Hug

Policy Director

The Foreign Policy Centre – FPC

2 December 2009, London

42. James Nixey

Head, Russia and Eurasia Programme

Chatham House – The Royal Institute of International Affairs

17 August 2010, London

43. Dr Fraser Cameron
Director
EU-Russia Centre
22 February 2013, St Andrews
44. Dessislava Roussanova
Projects Director of Eurasia Programme
International Alert – IA
30 September 2010, London
45. Joke van der Leeuw-Roord
Executive Director
EUROCLIO – European Association of History Educators
25 August 2011, The Hague
46. Blandine Smilansky
Senior Project Manager
EUROCLIO – European Association of History Educators
25 August 2011, The Hague
47. Dr Oliver Wolleh
Senior Programme Coordinator Caucasus
Berghof Peace Support
Senior Programme Officer Caucasus
IKV Pax Christi
19 August 2011, The Hague
48. Thomas de Waal
Senior Associate
Carnegie Endowment for International Peace
4 September 2014, Sevan, Armenia

Policy Centres in the Caucasus

49. Shalva Pichkhadze
Chairmen of the Board
NGO Georgia for NATO
1 November 2009, Tbilisi
50. Farhad Mammadov
Head of the Center for Strategic Studies – SAM
under the President of the Republic of Azerbaijan
4 July 2014, Baku
51. Dr Leila Alieva
Founding Director
Center for National and International Studies
4 July 2014, Baku

52. Richard Giragosian
Founding Director, Regional Studies Center – RSC
5 September 2014, Yerevan

53. Alexander Iskandaryan
Founding Director, Caucasus Institute – CI
4 September 2014, Sevan

54. Sergey Minasyan
Representative of the Academic Swiss Caucasus Net (ASCN) in Armenia
4 September 2014, Sevan

Academia

55. Professor Joseph S. Nye
Professor of International Relations
John F. Kennedy School of Government, Harvard University
20 January 2010, London

56. Professor Nicholas Burns
Professor of the Practice of Diplomacy and International Politics
John F. Kennedy School of Government, Harvard University
Undersecretary of State for Political Affairs, US Department of State in 2005-2008
13 June 2010, London

57. Professor Levan Aleksidze
Member of the Parliament of Georgia in 1990-1991
Deputy Rector of Iv. Javakhishvili Tbilisi State University
30 June 2014, Tbilisi

58. Professor Leila Khubashvili
Professor of International Relations
Iv. Javakhishvili Tbilisi State University
4 September 2011, Tbilisi

59. Dr Anar Valiyev
Assistant Professor
Azerbaijan Diplomatic Academy – ADA University
4 July 2014, Baku

60. Sergey Markedonov
Associate Professor
Russian State University for the Humanities, Moscow
4 September 2014, Sevan

61. Aleksey Malashenko
Chair at the Carnegie Moscow Center
4 September 2014, Sevan

Conflict Research in the Northern Ireland

62. Professor Richard Wilford
Director of Legislative Studies and Practice
School of Politics, International Studies and Philosophy
Queen's University Belfast
13 October 2010, Belfast

63. Professor Brandon Hamber
Director
International Conflict Research Institute – INCORE
United Nations University, University of Ulster
14 October 2010, Derry

64. Dr Neil Jarman
Director
Institute for Conflict Research – ICR
13 October 2010, Belfast

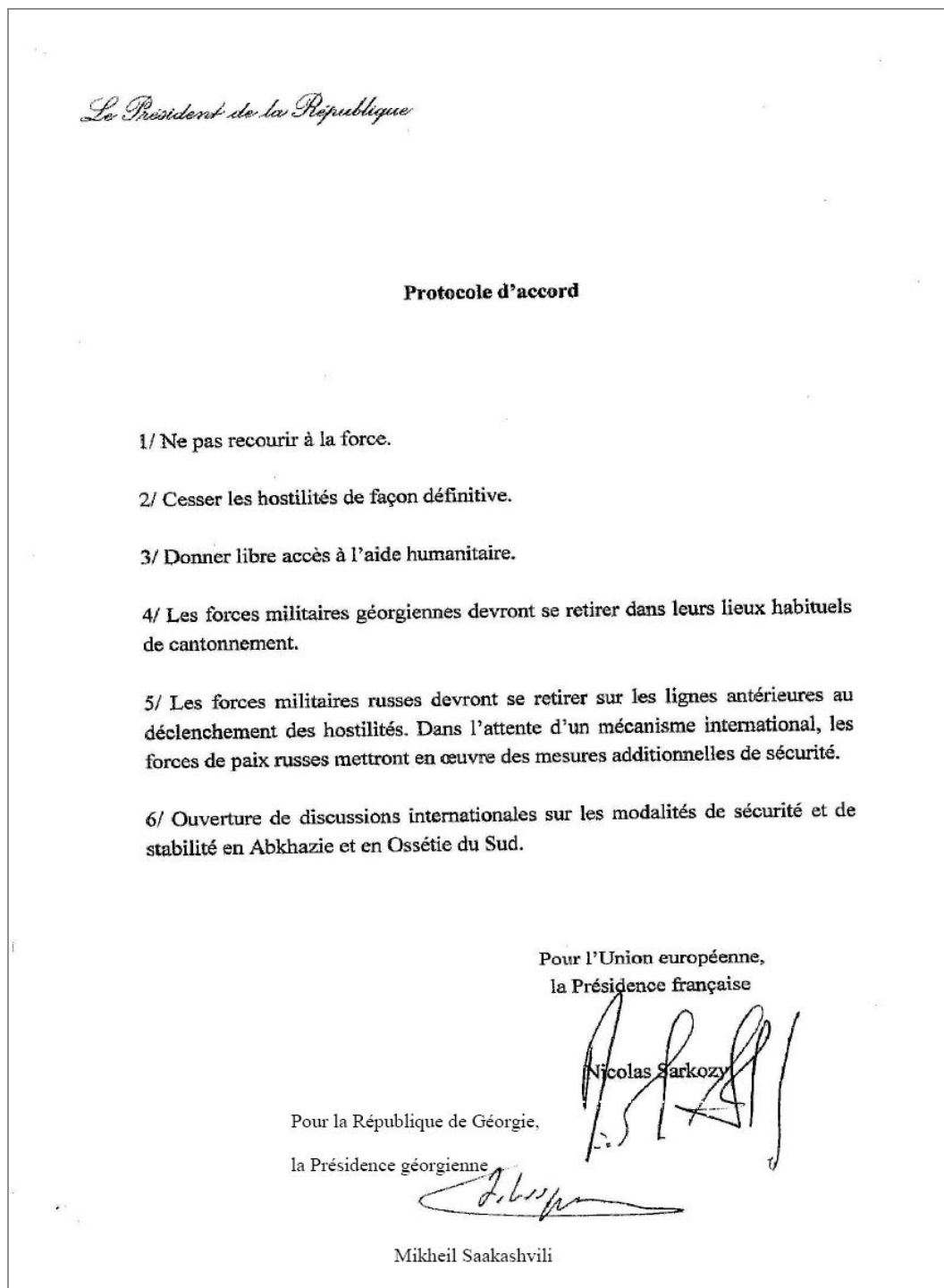
65. Avila Kilmurray
Director
Community Foundation for Northern Ireland
13 October 2010, Belfast

66. Sean Brennan
Development Officer
Intercomm Northern Ireland
13 October 2010, Belfast

Appendices

Appendix 1

Protocole d'accord. The European Union and the President of Georgia. 2008.



Appendix 2

Protocole d'accord. President of the Russian Federation. 2008.

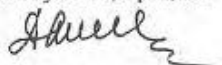
Президент Российской Федерации Д.А.Медведев и Президент Французской Республики Н.Саркози поддерживают следующие принципы урегулирования конфликтов и призывают соответствующие стороны подписаться под этими принципами:

1. Не прибегать к использованию силы;
2. Окончательно прекратить все военные действия;
3. Свободный доступ к гуманитарной помощи;
4. Вооруженные силы Грузии возвращаются в места их постоянной дислокации;
5. Вооруженные силы Российской Федерации выводятся на линию, предшествующую началу боевых действий. До создания международных механизмов российскими миротворческими силами принимаются дополнительные меры безопасности;
6. Начало международного обсуждения путей обеспечения прочной безопасности Южной Осетии и Абхазии.

За Грузинскую Сторону: За Югоосетинскую Сторону: За Абхазскую Сторону:

При посредничестве:

За Российскую Федерацию



При участии:

За ОБСЕ

За ЕС

Appendix 3

Chapter 1 on Transport, Title VI. EU-Georgia Association Agreement. 2014.

<div> <div>L 261/4</div> <div>EN</div> <div>Official Journal of the European Union</div> <div>30.8.2014</div> </div> <div> <div>ASSOCIATION AGREEMENT</div> <div>between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part</div> <div>PREAMBLE</div> <div> <div>THE KINGDOM OF BELGIUM,</div> <div>THE REPUBLIC OF BULGARIA,</div> <div>THE CZECH REPUBLIC,</div> <div>THE KINGDOM OF DENMARK,</div> <div>THE FEDERAL REPUBLIC OF GERMANY,</div> <div>THE REPUBLIC OF ESTONIA,</div> <div>IRELAND,</div> <div>THE HELLENIC REPUBLIC,</div> <div>THE KINGDOM OF SPAIN,</div> <div>THE FRENCH REPUBLIC,</div> <div>THE REPUBLIC OF CROATIA,</div> <div>THE ITALIAN REPUBLIC,</div> <div>THE REPUBLIC OF CYPRUS,</div> <div>THE REPUBLIC OF LATVIA,</div> <div>THE REPUBLIC OF LITHUANIA,</div> <div>THE GRAND DUCHY OF LUXEMBOURG,</div> <div>HUNGARY,</div> <div>THE REPUBLIC OF MALTA,</div> <div>THE KINGDOM OF THE NETHERLANDS,</div> <div>THE REPUBLIC OF AUSTRIA,</div> <div>THE REPUBLIC OF POLAND,</div> <div>THE PORTUGUESE REPUBLIC,</div> <div>ROMANIA,</div> <div>THE REPUBLIC OF SLOVENIA,</div> <div>THE SLOVAK REPUBLIC,</div> <div>THE REPUBLIC OF FINLAND,</div> <div>THE KINGDOM OF SWEDEN,</div> <div>THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,</div> <div>Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the Member States,</div> <div>THE EUROPEAN UNION, hereinafter referred to as 'the Union' or 'the EU' and</div> <div>THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Euratom'</div> </div> </div>	<div> <div>30.8.2014</div> <div>EN</div> <div>Official Journal of the European Union</div> <div>L 261/109</div> </div> <div> <div>(f) promoting total quality management of all statistical production processes and dissemination.</div> <div>Article 288</div> <div>The Parties shall cooperate within the framework of the European Statistical System in which Eurostat is the European statistical authority. The cooperation shall include a focus on the areas of:</div> <div> <div>(a) macroeconomic statistics, including national accounts, foreign trade statistics, balance of payments statistics, foreign direct investment statistics;</div> <div>(b) demographic statistics, including censuses and social statistics;</div> <div>(c) agricultural statistics, including agricultural censuses and environments statistics;</div> <div>(d) business statistics, including business registers and use of administrative sources for statistical purposes;</div> <div>(e) energy statistics, including balances;</div> <div>(f) regional statistics;</div> <div>(g) horizontal activities, including statistical classifications, quality management, training, dissemination, use of modern information technologies, and</div> <div>(h) other relevant areas.</div> </div> <div>Article 289</div> <div>The Parties shall, inter alia, exchange information and expertise and shall develop their cooperation, taking into account the already accumulated experience in the reform of the statistical system launched within the framework of various assistance programmes. Efforts shall be directed towards further alignment with the EU acquis in statistics, on the basis of the national strategy for the development of the Georgian statistical system, and taking into account the development of the European Statistical System. The emphasis in the statistical data production process shall be the further development of sample surveys and use of administrative records, while taking into account the need to reduce the response burden. The data shall be relevant for the designing and monitoring of policies in key areas of social and economic life.</div> <div>Article 290</div> <div>A regular dialogue shall take place on the issues covered by this Chapter. To the extent possible, the activities undertaken within the European Statistical System, including training, should be open for Georgian participation.</div> <div>Article 291</div> <div>Gradual approximation of Georgian legislation wherever relevant and applicable to the EU acquis in statistics shall be carried out in accordance with the annually updated Statistical Requirements Compendium which is considered by the Parties as annexed to this Agreement (Annex XXIII).</div> <div>TITLE VI</div> <div>OTHER COOPERATION POLICIES</div> <div>CHAPTER I</div> <div>Transport</div> <div>Article 292</div> <div>The Parties shall:</div> <div> <div>(a) expand and strengthen their transport cooperation in order to contribute to the development of sustainable transport systems;</div> <div>(b) promote efficient, safe and secure transport operations as well as intermodality and interoperability of transport systems; and</div> <div>(c) endeavour to enhance the main transport links between their territories.</div> </div> </div>
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Article 293

This cooperation shall cover, *inter alia* the following areas:

- (a) development of a sustainable national transport policy covering all modes of transport, particularly with a view to ensuring environmentally friendly, efficient, safe and secure transport systems and promoting the integration of these considerations in the sphere of transport into other policy areas;
- (b) development of sector strategies in light of the national transport policy, including legal requirements for the upgrading of technical equipment and transport fleets to meet international standards as defined by Annexes XXIV and XV-D to this Agreement, for road, rail, aviation, maritime transport, and intermodality, including timetables and milestones for implementation, administrative responsibilities as well as financing plans;
- (c) strengthening of the infrastructure policy in order to better identify and evaluate infrastructure projects in the various modes of transport;
- (d) development of funding policies focusing on maintenance, capacity constraints and missing link infrastructure as well as activating and promoting the participation of the private sector in transport projects;
- (e) accession to relevant international transport organisations and agreements including procedures for ensuring strict implementation and effective enforcement of international transport agreements and conventions;
- (f) scientific and technical cooperation and exchange of information for the development and improvement of technologies in transport, such as intelligent transport systems; and
- (g) promotion of the use of intelligent transport systems and information technology in managing and operating all relevant modes of transport as well as supporting intermodality and cooperation in the use of space systems and commercial applications facilitating transport.

Article 294

1. Cooperation shall also aim at improving the movement of passengers and goods, increasing fluidity of transport flows between Georgia, the EU and third countries in the region, by removing administrative, technical and other obstacles, improving transport networks and upgrading the infrastructure in particular on the main networks connecting the Parties. This cooperation shall include actions to facilitate border-crossings.

2. Cooperation shall include information exchange and joint activities:

- (a) at regional level, in particular taking into consideration and integrating progress achieved under various regional transport cooperation arrangements such as Eastern Partnership Transport Panel, the Transport Corridor Europe-Caucasus-Asia (TRACECA), the Baku process and other transport initiatives;
- (b) at international level, including with regard to international transport organisations and international agreements and conventions ratified by the Parties; and
- (c) in the framework of the various transport agencies of the EU.

Article 295

A regular dialogue will take place on the issues covered by this Chapter.

Article 296

Georgia shall carry out approximation of its legislation to the EU acts and international instruments referred to in Annexes XXIV and XV-D to this Agreement in accordance with the provisions of those Annexes.



8.5.14

Nino Kereselidze

School of International Relations

Ethics Reference No: <i>Please quote this ref on all correspondence</i>	IR10987
Project Title:	The Foreign Policy of the European Union in the South Caucasus
Researchers Name(s):	Nino Kereselidze
Supervisor(s):	Dr Rick Fawn

Thank you for submitting your application which was considered at the International Relations School Ethics Committee meeting on the 7.5.14. The following documents were reviewed:

- | | |
|----------------------------------|--------|
| 1. Ethical Application Form | 7.5.14 |
| 2. Participant Information Sheet | 7.5.14 |
| 3. Consent Form | 7.5.14 |

The University Teaching and Research Ethics Committee (UTREC) approves this study from an ethical point of view. Please note that where approval is given by a School Ethics Committee that committee is part of UTREC and is delegated to act for UTREC.

Approval is given for three years. Projects, which have not commenced within two years of original approval, must be re-submitted to your School Ethics Committee.

You must inform your School Ethics Committee when the research has been completed. If you are unable to complete your research within the 3 three year validation period, you will be required to write to your School Ethics Committee and to UTREC (where approval was given by UTREC) to request an extension or you will need to re-apply.

Any serious adverse events or significant change which occurs in connection with this study and/or which may alter its ethical consideration, must be reported immediately to the School Ethics Committee, and an Ethical Amendment Form submitted where appropriate.

Approval is given on the understanding that the 'Guidelines for Ethical Research Practice' <https://www.st-andrews.ac.uk/utrec/guidelines/> are adhered to.

Yours sincerely,

Convenor of the School Ethics Committee

Dr Jeffrey Murer

Cc: Dr Rick Fawn

